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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 546/2012**

SUDEEP KUMAR JAIN & ANR

..... Plaintiffs

Through : Mr.S.N.Choudhri and Ms.Shruti
Choudhri and Mr.Sukreet
Khandelwal, Advocates.

versus

BINDU JAIN & ANR

..... Defendants

Through : Defendant Dr.Veena Sabharwal in
person.
Mr.M.C.Vashisht, Advocate for
applicant – Mr.Munish Khurana –
tenant.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **24.10.2017**

IA No. 6341/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

IA No. 6342/2017

For the reasons explained, the delay of 128 days in re-filing the application stands condoned.

The application stands disposed of.

IA No. 6340/2017

This application is moved by the applicant/tenant namely Munish Khurana for deposit of the keys of tenanted premises being a floor in No.C-1/ B (2nd Floor) Green Park Extension, New Delhi, which has since been vacated by him. Since parties are at lis qua the extent of ownership in the suit property, including the tenanted



premises so notice of application is issued.

The learned counsel for plaintiff and defendant Dr.Veena Sabharwal appearing in person accepts notice. As an erstwhile tenant should not suffer on account of ongoing litigation between the co-owners, so applicant/tenant is directed to deposit the keys of the tenanted premises with the Registrar General of this court within a week from today. Needless to mention the applicant should clear the rental/electricity/water charges or any other levy payable to civic agencies prior to deposit of the keys. The copies of such deposit/no dues certificates be also furnished along with the keys of the tenanted premises. This order is made without prejudice to the rights of either parties qua the tenanted premises and qua claims, if any, against the erstwhile tenant.

The application stands disposed of.

CS(OS) 546/2012

The local commissioner has opined the suit property cannot be partitioned by metes and bound and parties cannot be put in possession qua their legitimate share. The learned counsel for the plaintiff says in case the property is being sold, the co-owner shall have right of pre-emption. Since, the learned counsel for the defendants is not available, list on 25.01.2018.

YOGESH KHANNA, J

OCTOBER 24, 2017

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