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

+ **CS(OS) 628/2010**

REKHA & ANR

..... Plaintiffs

Through: Mr. Kunal Kalra, Advocate with
Ms. Megha Jain, Adv.

versus

MANOJ KUMAR & ORS

..... Defendants

Through: Mr. Amulya Dhingra, Adv. for D-1.
Ms. Monica Kapoor, Adv. for D-4.
Mr. Praveen Laraya proxy counsel for
D-2,3,5,6 & 7.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **02.03.2017**

IA No.2191/2016 (under Section 151 CPC)

By this application, the plaintiff seeks enhancement of the maintenance allowance which was ordered to be paid to her from out of joint family properties in terms of the submissions made on record submitting that the amount has become too meagre for her sustenance for the present, more than five years having lapsed.

The hearing brought out that out of the several properties respecting which the prayer for partition has been made, three properties are claimed by the first defendant to be his exclusive property whereas another property is similarly claimed by defendant no.3 to be his exclusive property. It appears that the rest of the estate respecting which prayer for partition is made are more or less conceded to be joint property in which all parties would have equal shares. If that be so, the learned counsel on all sides fairly agree, the claim in the suit can be split up for consideration, the claims concerning such

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part which are concededly of joint ownership to be resolved amicably, through the process of mediation, for a preliminary decree in that regard possibly to be passed with the consent of all sides so that the plaintiff is not constrained to be dependent on the maintenance allowance payable by the opposite party which has the physical control.

With the consent of all the parties, they are referred to Delhi High Court Mediation & Conciliation Centre (*Samadhan*) for making efforts to resolve the part of the dispute. For such purposes, parties to appear before *Samadhan* on 08.03.2017 at 3:30 p.m.

The case is listed before the Joint Registrar (judicial) for recording of evidence on 08.05.2017. Said proceedings would unless unabated. The application at hand shall come up for consideration on 09.05.2017, unless the parties are able to resolve the dispute and come up with a joint application on an earlier date.

The parties shall be obliged to remain present in person with their respective counsel through the mediation process.

R.K.GAUBA, J.

MARCH 02, 2017

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