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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2139/2014 and IA No. 8156/2016 (delay)**

SANGEET SHEKHAWAT & ANR Plaintiffs
Through Mr. M.A. Niyazi, Advocate.
versus
ANIL VEDI & ORS Defendants
Through Mr. Rajeev Sachdeva, Advocate for
defendant No. 3.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **01.05.2017**

IA No. 15955/2016 (for directions on behalf of the defendant No. 1)

This is an application filed by the defendant No. 1 seeking release of an amount of Rs.1,12,29,352/-. It is pointed out that the in terms of the order passed by this Court on 04.12.2015, a preliminary decree has been passed in favour of the two plaintiffs and defendant No. 1; which had been entitled each of them to a 1/3rd share in the estate of late Mr. H.S. Vedi. On 22.12.2015, the Court had permitted both the plaintiffs (on their application) to get an apportionment of their 1/3rd share from the banks pursuant to which they have been withdrawn their share in the afore-noted amount.

A preliminary decree of partition has already been passed in favour of defendant No. 1 as well. He also seeks release of this amount which would be his share. Prayer made in this application is allowed. The amount be disbursed to defendant No. 1.

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Fresh notice be issued to Birla Sun Life Asset Management Company Ltd. in terms of the earlier order of this Court, which was with regard to Redemption of Mutual Fund Folio No. 1016244326. Since the defendant No. 1 was the nominee in this Folio, defendant No. 1 will on an affidavit state as to whether this amount has been withdrawn/diverted by him or not. This affidavit shall be filed within two weeks.

The parties appear to be almost ad- idem. The parties have jointly agreed (under instructions of their counsels) that they would be willing to share 1/3rd in the properties both movable and immovable of their deceased father. The parties will appear in the Court on the next date of hearing.

List on 08.09.2017.

IA No. 2755/2016 (under Order 9 Rule 13 CPC)

Let pleadings be completed.

List on 08.09.2017.

Copy of the order be given *dasti* under signature of the Court Master.

INDERMEET KAUR, J

MAY 01, 2017

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