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

+ **CS(OS) 2139/2014 and I.A. 46226/2024**

SANGEETA SHEKHAWAT & ANR

.....Plaintiffs

Through: Ms. Nitika Khanna and Ms. Ishita,
Advs. for P-1
Mr. M.A. Niyazi, Ms. Anamika Ghai
Niyazi, Ms. Kirti Bhardwaj, Ms.
Nehmat Sethi and Mr. Arquam Ali,
Adv. for P-2

versus

ANIL VEDI & ORS

.....Defendants

Through: Mr. Amol Sharma, Adv. for D-3
Mr. Mukul Singh, CGSC and Mr.
Aryan Dhaka, Adv. for R-EOW and
UOI
Mr. Karun Mehta and Mr. Yugam
Tanneja, Adv. for D-Aditya Birla
Mr. S.N. Gupta, learned Local
Commissioner

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 16.05.2025

1. It appears that defendant No.1 has already been placed *ex parte*, *vide* order dated 05.05.2025.
2. The facts of the case would show that the plaintiffs and defendant No.1 are the legal heirs of Late Mr. H.S. Vedi, who passed away intestate on 24.08.2013, leaving behind various movable and immovable properties. This Court, *vide ex parte* preliminary decree dated 04.12.2015, declared that the plaintiffs and defendant No.1, held one-third share each, undivided share in the estate of Late Mr. H.S. Vedi. An application for setting aside *ex parte*

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preliminary decree was filed by defendant No.1, however, the same was not pressed, as can be seen from order dated 20.09.2023.

3. The parties agreed to distribute the estates of their father to the extent of one-third share each. Thereafter, the Court *vide* order dated 20.09.2023 appointed Mr. S.L. Gupta, Advocate as Local Commissioner, to suggest the mode and manner of partition of the said estate and to submit the report. Mr. S.L. Gupta, has undertaken comprehensive proceedings, which have been mentioned in detail in his report dated 13.05.2025. The learned Local Commissioner in his aforesaid report has also taken note of various movable and immovable properties and also made recommendations in paragraph No.5 thereof. Paragraph No.5 of the said report reads as under:-

“5. **Recommendations**

In light of the above, the following are recommendation of the undersigned for kind consideration of this Hon'ble Court

a. Sale of Properties:

- i. *Permission be granted to the parties (Plaintiff No.1 and 2 in the absence of Defendant No.1) to jointly appoint a broker and execute sale of **Flat No.303 Aradhna Apartments and 8B Hansalaya Building** and the undersigned may be given power and authority to sign and execute relevant documents on behalf of Defendant No.1 and to complete the sale transaction. If Plaintiff No.1 is unable to pay the shares of other two by retaining 30 Aradhna Apartment, then the undersigned may be permitted to sell that property as well and may be given power and authority to sign and execute relevant documents on behalf of Defendant No.1 and to complete the sale transaction.*
- ii. *Permission may be granted by the Hon'ble Court to the undersigned to take physically possession of the property A- 219, New Friends colony, New Delhi formally and to allow the sale of the said property in the open market and distribute the sale proceeds to each of the three parties in equal shares and allow the undersigned to execute and sign relevant documents in this regard on behalf of Defendant No.1.*

b. Repatriation of Kuwait Funds:

This Hon'ble Court may direct appointment of some other

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person on the request of Plaintiffs herein for processing the repatriation of funds from Kuwait bank and the undersigned may be permitted to execute and sign relevant documents on behalf of Defendant No.1 to complete the formalities with the Bank in Kuwait with the cooperation and assistance of Indian Embassy at Kuwait.

- c. *Any other work which this Hon'ble Court may direct the undersigned to perform to complete the distribution of movable and immovable assets in the present case to the parties concerned.*

4. Under the facts and circumstances of the case and keeping in mind the non-cooperation of defendant No.1, the Court deems it appropriate to accept the recommendation of learned Local Commissioner made in paragraph No.5(a)(i)(ii).

5. Ordered accordingly.

6. So far as the recommendations made in paragraph No.5(b), are concerned, the said aspect shall be looked into, later.

7. Let Mr. S.L. Gupta, learned Local Commissioner to submit the report, regarding the steps which have to be undertaken as per the recommendations made in paragraph No.5(a)(i)(ii), before the next date of hearing.

8. Taking into consideration the expansive exercise, which has been undertaken by the learned Local Commissioner, the Court directs that a further remuneration of Rs.5,00,000/- be paid to him, by the plaintiffs. However, the same shall be adjusted from the sale proceeds, proportionate to the shares of the respective parties.

9. List on 28.08.2025.

PURUSHAINDRA KUMAR KAURAV, J

MAY 16, 2025/DPA/SPH

[Click here to check corrigendum, if any](#)