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

+ **CS(OS) 150/2017 & I.As. 10505/2019, 2474/2020**

SHRI AZAM KHAN

..... Plaintiff

Through: Mr. Tanveer Zaki, Advocate for
Mr. S.D. Ansari, Advocate. [M:-
9711833730, Enrol No.
D/2083/2010]

versus

SHRI GUL MOHAMMAD & ORS

..... Defendants

Through: Mr. Vishal Gera, Advocate.
[M:-9717803403, Enrol No.
D/1780/2007]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.05.2023

1. Mr. Vishal Gera, learned counsel for the defendants, draws my attention to the order dated 01.05.2019 by which the defendants have indicated that they have no objection to partition of one of the suit properties being property No. 2372 *Gali Auliya, Kucha Chellan, Darya Ganj, New Delhi*. According to Mr. Gera, the shares of the parties in accordance with Muslim Personal Law would be 2/13 to each of the sons of late Mr. Sher Khan (being the plaintiff and defendant Nos. 1 to 4 herein), and 1/13 each to the daughters of late Mr. Sher Khan (being defendant Nos. 5, 6 and 7 herein). Mr. Gera has also filed an application (I.A. 2474/2020) in which *inter alia* a preliminary decree of partition is sought in respect of the said property.



2. Notice was issued in that application on 13.01.2023, but learned counsel for the plaintiff seeks further time to file a reply. Reply may be filed within four weeks. Rejoinder thereto, if any, may be filed within two weeks thereafter. Learned counsel on both sides are requested to file their written submissions, including as to the shares of the parties.

3. As noted in the order dated 01.05.2019, as far as the other suit property (2374 Gali Auliya, Kucha Chellan, Daryaganj, New Delhi) is concerned, the contention of defendant Nos. 1 to 3 is that it is owned by them exclusively. It *prima facie* appears that this issue will have to go for trial. Learned counsel for the parties are requested to bring their proposed issues on next date of hearing.

4. List on 09.10.2023.

PRATEEK JALAN, J

MAY 22, 2023
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