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

+ **CS(OS) 264/2016**

NARENDER KUMAR

..... Plaintiff

Through: **Mr. Hemant Chaudhri and Mr. Arjun Bhaskar, Advs.**

Versus

RAJ RANI MITTAL & ORS

..... Defendants

Through: **Mr. Akhil Gupta, Adv. for D-4.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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27.11.2018

IA No.16104/2018 (of D-4 u/O XXXIX R-4 CPC)

1. The applicant/defendant No.4 in this suit for partition seeks vacation/modification of the interim order dated 27th May, 2016, directing *status-quo* qua title and possession of the property subject matter of the suit to be preserved, by seeking to dispose of his 1/3rd share in the property claimed to be not in dispute in the suit.
2. The applicant/defendant No.4 has not placed any proposal for sale and/or named the buyer to whom the sale is sought to be effected.
3. Without the applicant/defendant No.4 placing such proposal, informing price etc., before this Court and bringing the buyer who is willing to buy the property subject to the outcome of this suit before this Court, no such blanket permission as the applicant/defendant No.4 seeks can be granted.

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4. The counsel for the applicant/defendant No.4 states that at this stage he is only seeking permission and will place the proposal before this Court.
5. Grant of permission itself would be dependent upon the proposal.
6. The application is thus disposed of with liberty to the applicant/defendant No.4 to apply again as and when there is any concrete buyer who is willing to purchase the property subject to the outcome of this suit and is also willing to make a statement to the said effect.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 27, 2018

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