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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 373/2018 & I.As. 10085/2018, 4843/2019, 3283/2020**
AJAY KUMAR SINGHAL & ORS. Plaintiffs
Through: Mr. D.S. Vohra, Advocate
(M:9873252244)

versus

MANGE RAM GUPTA & ORS. Defendants
Through: Mr. Ashutosh Dixit, Advocate
for D-1 – 5.
(M:9910303667,email:dixitashu
5778@gmail.com)
Mr. Niki Kantawala, Ms.
Ikshita Parihar, Mr. Amaya M
Nair, Advocates

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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11.11.2022

[Physical Hearing/Hybrid Hearing]

I.A. 3283/2020 (u/S 151 of CPC for directions)

1. This court has heard the Id. Counsels for the parties. During the course of hearing, it has come to the fore that Shop No. 10 is in possession of the plaintiffs and the same is being used as a warehouse by the plaintiffs. This fact is not disputed by any of the parties that the said shop is being used as a warehouse by plaintiffs. Ld. Counsel for plaintiffs further submits that he is using Shop No.1 for the purpose of carrying out his own business. He further submits that since he uses Shop No.10 for the purposes of warehouse, he may be allowed to use the said shop for setting up business for his younger brother, plaintiff



No. 2. It is submitted on behalf of plaintiff No. 1 that his younger brother who is plaintiff No.2 is not doing any business and that his younger brother is financially dependent on plaintiff No.1. Thus, it is submitted on behalf of plaintiff No.1 that in order to settle his younger brother, Shop No.10 which is for the time being used for warehouse purposes, be allowed to be used for running the business of his younger brother, plaintiff No.2.

2. After hearing both the parties it is directed that in the interim, during the pendency of the present suit, plaintiff No.2 is allowed to use Shop No.10 for his business purposes.

3. With the aforesaid observations, the present application is disposed of.

CS(OS) 373/2018

4. After some hearing, parties are *ad idem* that since the present is a suit for partition and all the parties before this Court are family members, the matter may be referred for mediation for amicable settlement. Let the matter be referred to a senior mediator.

5. List before the Delhi High Court Mediation and Conciliation Centre on 28.11.2022.

6. List before the court on 28.02.2023.

MINI PUSHKARNA, J

NOVEMBER 11, 2022

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