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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 373/2018**

AJAY KUMAR SINGHAL & ORS. Plaintiffs
Through: Mr. D.S. Vohra, Advocate.

versus

MANGE RAM GUPTA & ORS. Defendants
Through: Mr. Abhinav Sharma and Mr. Naveen
Gaur, Advocates for D-1.
Mr. Ashok Kumar, Advocate for D-2
to 4.
Mr. N.K. Kantawala and Ms. Amaya
M. Nair, Advocates for D-5.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER
23.01.2023

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CS(OS) 373/2018

1. Learned counsel for the parties submit that a settlement has been arrived at between the parties during the course of proceedings in FAO(OS) 137/2022 pursuant to which a preliminary decree of partition has been passed by the Division Bench. Further, a Local Commissioner has been appointed by the Division Bench vide its order dated 19.12.2022 for submitting its report as to the mode of partition of the properties in question.
2. Learned counsel for the parties further submit that an attempt is being made to work out further modalities and for this purpose the parties have been participating in mediation proceedings under the aegis of the Delhi High Court Mediation and Conciliation Centre. It is submitted that the next date of hearing fixed before the concerned mediator is 16.02.2023.



3. The respective parties undertake that they will participate in the mediation proceedings and will endeavour to bring a quietus to the matter.

4. Attention has been drawn by the learned counsel for the plaintiffs to the order dated 26.05.2022 while disposing of I.A. No. 9901/2021, filed by the plaintiffs under Order XXII Rule 4 CPC for impleadment of the legal heirs of the deceased defendant no. 1. It is submitted that there is an error in the name of one of the legal heirs of the deceased defendant no. 1. Let an appropriate application be filed by the plaintiff to correct the same, along with the amended memo of parties.

5. Re-notify on 28th February, 2023, i.e., the date already fixed.

I.A. No. 18864/2022 (for directions)

6. Let reply be filed by the non-applicants within a period of four weeks from today.

7. It is agreed by the respective counsel for the parties that till the next date of hearing *status quo* shall be maintained by them as regards the portions of the property which is in their respective possession, and that the parties will not create any hindrance for each other in the use and occupation thereof. It is further agreed that the use and occupation by the parties of the respective portions in their possession, shall not create any special equities in their favour.

8. Re-notify on 28th February, 2023, i.e., the date already fixed.

SACHIN DATTA, J

JANUARY 23, 2023

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