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

+ **RFA 742/2018**

COL (DR) PRITPAL SINGH GADHOK Appellant
Through: Mr. Vinay Sabharwal, Advocate
(Mobile No. 9810080522).

versus

JATINDER KAUR NANDA & ORS Respondents

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **05.09.2018**

C.M. Appl. No. 36108/2018 (for exemption)

1. Exemption allowed, subject to all just exceptions.
C.M. stands disposed of.

RFA 742/2018 and C.M. Appl. No. 36107/2018 (for stay)

2. Learned counsel for the appellant argues that the appellant would in principle not be opposed to selling of the property, but before selling of the property endeavour should be first made to bring in a collaborator/builder who will reconstruct the property and give floors/constructed area etc. in the newly constructed property to the parties as per the shares in the preliminary decree, and that the trial court has not explored this option before directing sale of the suit property.

RFA 742/2018

page 1 of 2



3. Limited to the aforesaid aspect that before the ordering of the sale of the suit property bearing no. 42-B, Malcha Marg, Chanakya Puri, New Delhi becomes final, the parties must first explore the proposition with respect to reconstruction of the property by a collaborator/builder and each party be given newly constructed area as per his share, notices be issued to the respondents on filing of process fees, both in the ordinary method as well as by registered AD post, returnable on 13th December, 2018.

4. Till further orders unless varied by the Court there shall be stay of operation of the impugned Judgment dated 7.5.2018 subject to the condition that order will operate in case parties agree to bring in a collaborator/builder instead of selling the property, and which aspects in any case have to take place in execution proceedings after the final decree is prepared on necessary non-judicial stamp papers in terms of the Full Bench Judgment of this Court in the case of **Indu Singh and Anr. Vs. Prem Chaudhary and Ors.** in O. REF. 2/2018 in CS (OS) 1098/2005, decided on 11.5.2018.

VALMIKI J. MEHTA, J

SEPTEMBER 05, 2018

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RFA 742/2018

page 2 of 2