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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1239/2015 and I.A. 15101/2018, 8861/2019, 8862/2019, 1703/2020, 857/2021, 18919/2023, 20692/2023, 21227/2023, 24162/2023, 706/2024**
DINESH MADAN Plaintiff

Through: Ms. Asha Jain Madan, Advs. (M. 9810041102)

versus

ANIL MADAN & ANR Defendants

Through: Mr. Ashish Mohan, Ms. Sagrika Tanwar & Mr. Digvijay Singh, Advs. for D-2 (M. 9910946968)
Mr. Ankit Jain, Mr. Aditya Chauhan, Ms. Apurva Tyagi, Ms. Tanisha Gopal, Advs. for D-11.

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WITH

+ **CS(OS) 626/2016 and I.A. 16022/2016, 7261/2018, 8144/2019, 17557/2019, 7990/2021, 7309/2022, 7310/2022, 19475/2022, 18920/2023, 19855/2023, 705/2024, O.A. 89/2018**
ANIL MADAN Plaintiff

Through: Ms. Asha Jain Madan, Advs. (M. 9810041102)

versus

DINESH MADAN & ORS Defendants

Through: Mr. Ashish Mohan, Ms. Sagrika Tanwar & Mr. Digvijay Singh, Advs. for D-3 (M. 9910946968)
Mr. Ankit Jain, Mr. Aditya Chauhan, Ms. Apurva Tyagi, Ms. Tanisha Gopal, Advs. for D-11
Mr U. D. Bhargava, Adv. (M.981804048).
Ms. Mrinalini Sen, Ms. Pooja Kapur, and Ms. Sonia Madan in person.
Mr. Deepak Vohra and Mr. Nishant Gupta along with Mr. Ashish Madan (Proposed LR of Anil Madan)



(M:9999966244).

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER
% **22.03.2024**

1. This hearing has been done through hybrid mode.
2. In this matter, the preliminary decree has been passed, way back, on 1st April, 2019. Since then there has been no consensus between the parties in respect of the manner in which the properties ought to be divided, the parties seek clarity for implementation of the same.
3. As recorded in the order dated 30th July, 2019 there are a total of 7 properties which ought to be divided in 1/5th share. In this list as set out in paragraph 6 of the said order there is an objection in respect of item (vi) i.e., Y-207, Loha Mandi, Naraina, New Delhi.
4. Ms. Asha Jain Madan, Id. Counsel claims that the said property was sold by the original owner i.e., legal heirs of Mr. Anil Madan to her. This position is disputed by the other parties.
5. Insofar as the properties in paragraph 7 of the order dated 30th July, 2019 are concerned, there are a total of five properties over which there is a dispute as to whether these are common pool properties or not. The said properties are set out below:
 - E-5, Hauz Khas Market, New Delhi-110016;
 - Shop no. 1, S-8 Green Park Market, New Delhi 110016
 - Commercial Plot No. 793, Kalamboli, Navi Mumbai, Mumbai;
 - Residential Plot in Kalamboli, Navi Mumbai, Mumbai



- Y-63, Loha Mandi, Naraina, New Delhi.

6. Be that as it may, repeated orders are passed by the Court for proceeding further in the matter. It is noticed that even as of 30th July, 2019, the Court had directed parties to bring the respective valuations which they attribute to the properties in a sealed cover.

7. Subsequent to the said order, one valuation report has been received pursuant to order dated 12th December, 2019. The said valuation of M/s Dream Land Designers Pvt. Ltd. has been placed on record. The inspection in this valuation took place in February, 2020 and the date on which valuation is made is August, 2020 which clearly is objected to by some of the parties on the ground that the same is on the ground of peak of the Covid-19.

8. As a last opportunity, all parties are given one final opportunity to bring the valuation of these properties and a note on the status of each of the properties which they consider should be part of the pool and should not be part of the pool and the reasons thereof. The said note be filed at least two days before the next of hearing.

9. It is made clear that no further opportunities shall be granted to any of the parties after this, as the 2019 decree is still not being implemented despite five years having been passed.

10. If by the next date of hearing, there is no valuation report filed, the Court would proceed further on the basis of whichever valuation report is on record.

11. If any parties wish to file replies to any pending applications the same be filed within four weeks. Rejoinder thereto, shall be filed within four weeks, thereafter.



12. It is made clear that the comprehensive submissions would be heard as to whether each of the property is to be part of the pool or not and as to what would be the share of each of the parties.

13. The electronic record of the suit papers may be made available to all the counsels appearing irrespective of whether they are parties in the original suit or not.

14. List before the Joint Registrar on 3rd May, 2024.

15. List before Court on 28th May, 2024.

PRATHIBA M. SINGH, J.

MARCH 22, 2024

dj/dn