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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 626/2016 & REVIEW PET. 266/2024

ANIL MADAN

.....Plaintiff

Through: Appearance not given.
versus

DINESH MADAN & ORS

.....Defendant

Through: Mr. U.D. Bhargava, Adv. for D-9.
(M:9810804048)
Mr Ankit Jain, Mr. Aditya Chauhan,
Ms. Apporva Tyagi, Ms. Divyanshu
Rathi, Ms. Radhika Bansal and Ms.
Pooja Kumar, Advs. for Ms. Bimla
Madan. (M: 9891599840)
Mr. Ashish Mohan, Adv. for Mr.
Sunil Madan. (M:9891599840)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **02.08.2024**

1. This hearing has been done through hybrid mode.

REVIEW PET. 266/2024 in CS(OS) 626/2016

2. This is a review petition seeking review of order dated 28th May, 2024 wherein the Court had directed as under:

“1.This hearing has been done through hybrid mode.

*2. Despite the preliminary decree being passed in 2019, division by metes and bound have not been agreed upon by the parties. **In view thereof, each of the parties, as per the preliminary decree dated 1st April, 2019, is declared as one fifth owner of the property. The final decree would be liable to be passed in this matter for sale of all the properties.***

3. Let the legal heirs of Defendant No. 1 be brought on



record.

4. Issue notice.

5. I.As. 20692/2023, 21227/2023 and 19855/2023 to be heard on the next date of hearing.

6. On the next date, the valuations filed by the Government approved valuer and the valuations produced by the parties shall also be considered.

7. List before the Joint Registrar on 15th July, 2024 to bring on record all the legal heirs.

8. List before the Court for hearing on 13th August, 2024.”

3. The contention on behalf of review applicants is that one property namely 28/15 allotted no. 646/13 Abadi Nai Basti Gurgaon, Haryana has already been sold vide sale deed dated 6th October, 2008 and therefore, the observation of the Court on 28th May, 2024 would not apply qua this property.

4. Ld. Counsel for the Plaintiff opposes this and submits that the sale of the said property is improper. The signatures in the sale deed of Mr. Anil Madan are forged and it is a disputed sale deed.

5. In the opinion of this Court, insofar as the order dated 28th May, 2024 is concerned, it would be restricted to declaring the parties as 1/5th owner each of the properties and selling the same. If any particular property has already been sold and the sale is under challenge, then the said question would be considered by the Roster Bench and accordingly, appropriate orders can be passed.

6. The observation of the Court in order dated 28th May, 2024 would not come in the way of the Roster Court passing appropriate orders in respect of the alleged sale of the property as also distribution of sale proceeds as per the respective shares of the parties.



7. Review application is, accordingly, disposed of in the above terms.

PRATHIBA M. SINGH, J.

AUGUST 02, 2024

dj/rks