

Balwant Singh (Since Deceased) Thr Lrs & ... vs Sardar Nagender Singh (Since Deceased) ... on 7 January, 2019

Author: Valmiki J. Mehta

Bench: Valmiki J. Mehta

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RFA 780/2018

BALWANT SINGH (SINCE DECEASED) THR LRS & ORS

..... Appellants

Through: Mr. S.C. Singhal, Advocate (M.
No.9810061558).

versus

SARDAR NAGENDER SINGH (SINCE DECEASED) THR LRS &

ORS

..... Respondents

Through: Mr. Vikas Mahajan, Advocate with
Mr. Aakash Verma, Advocate and
Mr. Anil Kumar, Advocate for
respondent Nos.4 to 6 (M.
No.9810196050).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA
ORDER

% 07.01.2019

1. Impugned judgment passes final decree for partition by ordering that the suit property be put to sale by auction. After passing of the preliminary decree the local commissioner who was appointed to suggest modes of partition, had filed his report, and which was objected to only on behalf of the plaintiffs and defendant nos.4 to 6 in the suit. Plaintiffs are the appellants in this appeal and defendant nos.4 to 6 are represented in this appeal as the respondent nos.4 to 6.

2. Counsels for the parties state that no objection to the report of the Local Commissioner was filed on behalf of the defendant nos.2 and 3 in the suit, and who are the respondent nos.2 and 3 in this appeal, and it is also noted that the respondent nos.2 and 3 have not filed any appeal challenging the impugned judgment by which auction sale has been directed. It is therefore held that there is no need to serve the respondent nos.2 and 3, and who will be bound by the final order to be passed in this appeal.

3. Copy of the paper book of the appeal be given by the appellant to the counsel for the respondent nos.4 to 6 within one week from today. Counsel for the respondent nos.4 to 6 states that he has been

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recently engaged and he wants to go through the case papers.

4. Re-notify on 1st April, 2019.

5. Trial court record be requisitioned for the next date of hearing.

VALMIKI J. MEHTA, J JANUARY 07, 2019 Ne