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CS (OS) 2001/2007

SMT. SUDESH & ORS.

..... Plaintiff

Through: Mr. Sudhanshu Tomar, Advocate.

versus

SH. KHAZAN SINGH & ORS.

..... Defendants

Through: Mr. D.S. Chauhan, Advocate.

CORAM:**HON'BLE MR. JUSTICE S. RAVINDRA BHAT****ORDER**
08.09.2009

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The plaintiffs sought partition of properties described in paragraph-7&8 of the Suit as well as in the schedule of properties annexed to the Suit. It is contended that the properties belongs to a hindu undivided family and that the first plaintiff, the wife of late Surender, is the mother of the other two plaintiffs. Suit averments also are that the first defendant is the father of late Surender as well as the other defendants being Nos.2 - 5.

The defendants had entered appearance and filed their common written statement.

During the course of the proceedings, apparently, the parties decided to settle their disputes whereby the defendants agreed to convey title in respect of 300 Sq. Yds. Plot in Khasra No.1140/1 and 1140/2 each measuring 0-3 biswa in the extended Lal Dora Abadi of village Kapashera. A compromise deed dated 6.5.2009 was signed by the first plaintiff, Ms.

Sudesh. To have the said compromise recorded, the plaintiffs filed I.A.-6557/2009 which enclosed a copy of the compromise deed as well as the consequential sale deed dated 4.5.2009; the copy placed on record also reveals that sale deed was duly registered.

Since the Court was requested to record the compromise in respect of parties, some of whom were minors, the order dated 22.07.2009 required the plaintiff to comply with the terms of Order-32, Rule-7 and certify that the settlement enure to the benefit of the third plaintiff, the minor. A certificate to that effect was also filed subsequently. In the meanwhile, the third plaintiff attained the majority on 10.08.2009. In these circumstances, the second application – I.A. No.11345/2009 under Order-23, Rule-3 was filed.

The Court has considered both the applications. It is also mindful of the fact that the statement of the plaintiffs was recorded on 03.09.2009; statement of the five defendants was also recorded on the same day. The parties stated that they are bound by the terms and conditions mentioned in the application and the compromise deed – Ex.P-3. The parties also state that in compliance with the terms of compromise, a sale deed was duly executed; they identified a copy of it, which is part of the record.

In view of the above circumstances, the Court is satisfied that parties have in fact arrived at a lawful settlement resolving all their disputes finally. Let a decree in terms of paragraphs-4, 5 & 6 of the compromise deed dated 6.5.2009 – a copy of which has been placed on record – be drawn.

CS (OS) 2001/2007 and all the pending applications are decreed in the above terms.



S. RAVINDRA BHAT, J

SEPTEMBER 08, 2009

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