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

+ CS(OS) 1254/2004

LALIT KUMAR SETH

..... Plaintiff

Through: None.

Versus

S.R.SETH & ORS.

..... Defendants

Through: Mr. Vinod Sharma, Adv. for D-2.
Mr. Jeevesh Nagrath, Ms. Monika
Manchanda and Mr. Chetan Gautam,
Adv. for D-5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.08.2016**

IA No.4906/2016 (of D-5 for direction for preparation of decree)

1. The counsel for the applicant/defendant No.5 states that the decree has not been prepared in pursuance to the compromise arrived at between the parties owing to the other parties having not paid the requisite stamp duty on which the decree is to be prepared. It is further stated that the applicant/defendant has got a miniscule share in the property and is unable to enjoy the same also owing to failure of the others to comply with their obligation.
2. The counsel to, on the next date of hearing, satisfy this Court as to the procedure to be followed in such an eventuality, particularly whether the decree can be ordered to be set aside on such grounds.
3. List on 26th October, 2016.

IA No.9472/2016 (of D-2 Anil Seth for modification of decree)

4. The counsel for the applicant/defendant states that Mr. S.R. Seth who had a share under the compromise decree dated 23rd September, 2010 has since died leaving a Will whereunder he has bequeathed his entire estate including that subject matter of this suit to his grandsons Mr. Vishal Seth and Mr. Vikas Seth, sons of the applicant/defendant No.2 Mr. Anil Seth and hence modification of the decree is sought to substitute the said Mr. Vishal Seth and Mr. Vikas Seth in place of Mr. S.R. Seth.

5. The modification sought is beyond the scope of the proceedings in this suit and cannot be entertained.

6. The application is dismissed with liberty to the applicant/defendant and / or Mr. Vishal Seth and Mr. Vikas Seth to take appropriate proceedings.

RAJIV SAHAI ENDLAW, J.

AUGUST 11, 2016

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