

Court No. - 4

Case :- SECOND APPEAL No. - 466 of 2008

Appellant :- Smt. Savitri And Others

Respondent :- Smt. Sheela And Others

Counsel for Appellant :- K.K. Srivastava,V. Sahai

Counsel for Respondent :- Shrey Singh,S.S.Shukla

Hon'ble Prakash Padia,J.

Civil Misc. (Delay Condonation) Application No.133516 of 2017

1. Cause shown for the delay in filing the substitution application is sufficient. The delay is condoned.
2. The application is allowed.

Order on Substitution Application No.133517 of 2017

1. This application has been filed with a prayer for substituting the heirs and legal representatives of appellant no.3-late Smt. Shanti, who is said to have died on 02.11.2016 leaving behind her husband namely Radhey Shyam Sharma sons namely Kuldeep & Pradeep and daughter namely Smt. Neetu.
2. For the reasons given in the accompanying affidavit, the substitution application is allowed.
3. Let the heirs and legal representatives of deceased- appellant no.3 mentioned in the paragraphs 2 of the affidavit accompanying the substitution application her husband namely Radhey Shyam Sharma sons namely Kuldeep & Pradeep and daughter namely Smt. Neetu be substituted as appellant nos.3/1, 3/2, 3/3 and 3/4 in the petition and insert the word "deceased" after the name of appellant no.3.

4. Counsel for the appellant is directed to make necessary substitution in the array of parties during the course of the day.

Civil Misc. Application No.3 of 2023

1. The present application has been filed with the prayer to decide the present second appeal in the light of compromise arrived at between the parties. The application is supported by a joint affidavit of the parties.

2. It is stated that during pendency of the present second appeal parties have on intervention of their common well-wishers amicably settled their dispute outside the Court. The terms and conditions of the compromise have not been disputed by the counsel for the parties present before the Court. The terms of the compromise entered into between the parties are as under :-

"a) Property in question be sold afresh and 1/4 sale consideration thereof less 16,75,000/- be given to (1) Smt. Urmila Sharma w/o Late Rakesh Sharma (2) Mukesh Sharma (3) Azad Sharma and remaining 3/4th will go to defendants-appellants.

b) The entire transaction with regard to settlement of payment inter-se parties shall take place in Delhi.

c) The sale of the property will be finalized with the consent of all the parties.

d) Parties shall bear their own cost.

e) The compromise shall be binding on all parties and their heirs and this compromise shall not be put to challenge before any competent court of law by any of the parties."

3. In view of the same, the present application is allowed.

Order on Second Appeal

Since the compromise application has been allowed, the present second appeal is also disposed of in terms of compromise as stated above.

Order Date :- 30.11.2023

Pramod Tripathi