

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

+ CS(OS) 779/2012 and I.A.10925/2013, 5563/2012 and 10335/2012

Decided on : 20.01.2015

IN THE MATTER OF:

MONIKA ARORA

..... Plaintiff

Through: Mr. Parmal Singh, Advocate

versus

KAMLA ARORA & ORS

..... Defendants

Through: Mr. L.K. Singh, Advocate for D-1, 2, 3, 6 and 8.

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J.(Oral)

1. The present suit has been instituted by the plaintiff against defendant No.1 (mother-in-law), defendants No.2 and 3 (brothers-in-law) and defendants No.4 to 8 (sisters-in-law) praying *inter alia* for partitioning the immovable properties mentioned in para 5 of the plaint, owned by Shri Pritam Lal Arora (father-in-law of the plaintiff, husband of the defendant No.1 and father of the defendants No.2 to 8) to the extent of 1/9th share each therein.

2. Counsels for the parties jointly state that prior to the plaintiff instituting the present suit for partition, the defendant No.1 had filed a suit for partition in respect of one property owned by late Shri Mukesh Arora, the deceased husband of the plaintiff, pending before the ADJ, Karkardooma Courts, registered as Suit No.164/2011. The plaintiff herein(defendant in the said suit) has filed a written statement therein stating *inter alia* that apart from the said property, subject matter of the suit, there are other properties left by late Shri Pritam Lal Arora as mentioned in para 5 of the present suit, which should also be partitioned to the extent of 1/9th share each.

3. The Court is informed that evidence has yet to commence in the aforecited suit.

4. Counsel for the plaintiff states that he is agreeable to withdrawing the present suit on the condition that the immovable properties mentioned in para 5 of the plaint may also be taken into consideration for the purposes of partition in the aforecited suit and the parties arrayed as defendants No.2 to 8 herein be impleaded by the defendant No.1 as co-defendants in the said suit.

5. Counsel for the defendants No.1, 2, 3, 6 and 8 states that the defendant No.1 (plaintiff in the suit) has questioned the right of the

plaintiff herein to seek partition of the five properties mentioned in para 5 of the plaint filed in this suit on the ground that a Family Settlement had already been taken place in respect of the said immovable properties and all the co-owners have given up their right, title and interest in the said properties in favour of the defendant No.1 herein. He states that without prejudice to the aforesaid plea, he would not have any objection to impleading the defendants No.2 to 8 in the aforesaid suit and further, to the plaintiff requesting the trial court to frame additional issues as may arise on the basis of the written statement filed by her in the said suit.

6. In view of the aforesaid submissions made by the counsels for the parties and with their consent, the present suit is disposed of alongwith the pending applications with liberty granted to both sides as recorded hereinabove.

JANUARY 20, 2015
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(HIMA KOHLI)
JUDGE