

\$~32

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

+ CS(OS) 3721/2014

HARCHAND SINGH

..... Plaintiff

Through : Mr. K.G. Bansal, Advocate

versus

NARINDER KAUR & ORS

..... Defendants

Through : Mr. H.K. Singh, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

%

18.11.2015

I.A.23701/2015 (joint application u/O XXIII R 3 CPC)

1. The present compromise application has been filed by the parties stating *inter alia* that during the pendency of the suit, they have arrived at an out of court settlement.

2. Counsels for the parties state that apart from the seven defendants, arrayed in the present suit, late Lt. General Ajit Singh was survived by other legal heirs and the details of all the legal heirs, including the parties herein have been set out in para 4 of the application. They submit that late Lt. General Ajit Singh was the owner of two immovable properties and shares and securities, as detailed in para 2 of the application and he had executed a will dated 5.1.2007 in respect of all his movable and immovable assets, which were duly registered in the office of the Sub-Registrar VII, New Delhi. By virtue

of the settlement recorded in the present application, all the parties have agreed to distribute the movable and immovable assets of the deceased in the manner detailed in para 5 of the application.

3. Counsels for the parties jointly state that the suit may be disposed of in terms of the Deed of Family Settlement dated 5.10.2015, a copy whereof is handed over by the counsels for the parties and taken on record.

4. The Court has pursued the present application. The same has been signed by the plaintiff and the defendants, apart from the legal heirs of late Lt. General Ajit Singh who are not parties to the suit and by the respective counsels. The application is supported by the affidavits of the signatories to the application.

5. As counsels for the plaintiff and the defendants jointly state that their clients have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, there appears no legal impediment in accepting the settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the application as also in the Deed of Family Settlement dated 5.10.2015.

6. The suit is accordingly disposed of, while leaving the parties to bear their own costs.

7. At this stage, counsels for the parties request that Test. Case No.42/2015 filed by the defendant No.5 herein has to be withdrawn by him in terms of the Deed of Family Settlement dated 5.10.2015. They request that the file of the said case may be summoned so that it can be withdrawn.
8. Registry is directed to circulate a second supplementary list in respect Test. Case No.42/2015, for today.
9. The date already fixed in the case, i.e., 15.12.2015 stands cancelled.
10. File be consigned to the record room.

NOVEMBER 18, 2015
sk/ap

HIMA KOHLI, J