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

+ **FAO 133/2013**

YOGESH JHAMB & ANR. Appellants

Through: Mr. Sameer Vashisht, Advocate.

versus

HARISH JHAMB & ORS. Respondents

Through: Mr. Nitin Khanna, Advocate.

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

% **09.02.2016**

C.M. No.4745/2016

1. This is an application filed under Order 23 Rule 3 CPC which is supported by affidavit of appellant No.1, Yogesh Jhamb for his own self as well as in the capacity of power of attorney of appellant No.2, Bharat Bhushan Jhamb. The application is also supported by the affidavit of Gautam Jhamb, legal heir of the respondent Harish Jhamb (since deceased).

2. It has been stated in the application that the matter has been settled amicably between the contesting parties in the present appeal as a consequence of which the entire property bearing No.S-29, Green Park Extension, New Delhi, will be received by the appellants and the appellants as a measure of good gesture, have agreed to pay a total sum of Rs.1,01,00,000/- to Sunita Rani, wife of Gautam Jhamb, legal heir of the deceased respondent in token of having given up the claim to the aforesaid property. In terms of the settlement arrived at

between the parties, two drafts bearing Nos.197382 dated 18.1.2016 and 019523 dated 19.1.2016 for a sum of Rs.50,50,000/- and Rs.30,50,000/- respectively have been given to the respondent's legal heirs. So far as the balance amount of Rs.20,00,000/- is concerned, the same shall be paid to the legal heirs of the deceased respondent after recording of the settlement. The details of the settlement are given in the present application on which all the parties, who are present, have admitted their signatures. The application is exhibited as OW 1/1 which bears the signatures of Yogesh Jhamb, appellant No.1 and Gautam Jhamb, legal heir of the deceased respondent at portion A and B respectively encircled in red. The application shall form part of the decree. Accordingly, the Registry shall pass a decree to that extent. The original sale deed has been handed over by legal heir of respondent No.4 to the appellant, Yogesh Jhamb, who is present in court.

3. In terms of the settlement, the appeal stands disposed of. Decree be drawn accordingly. The date fixed earlier in the matter, i.e., 9.5.2016 stands cancelled.

V.K. SHALI, J.

FEBRUARY 09, 2016
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