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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1770/2013 & IA No.14657/2013**
RAMESH RANI MAINI Plaintiff

Through : Mr Ankit Jain, Adv

versus

RAJ KUMAR GANDHI & ORS Defendants

Through : Mr M G Vacher, Adv for D1&D2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.07.2016**

IA No.4965/2016

This is an application filed on behalf of the legal heirs of the Plaintiff who is stated to have expired on 24.03.2016. The applicants state that Shri Kulwant Rai Maini – the husband of the deceased Plaintiff – be impleaded as party in her place and other applicants have also filed their affidavits affirming that they do not claim any right, title or interest in the amount of ₹ 40.00 Lacs with interest accrued thereupon which are lying deposited with the Registrar General of this Court.

For the reasons stated in the application, the application is allowed. Let the amended memo of parties be placed on record by the Plaintiff.

IA No.3756/2016

This is an application under Order XXIII Rule 3 of the CPC. It is affirmed that the sale deed for the suit property has been executed by the Defendants in favour of Smt.Ramesh Rani Maini, who has

since expired. The terms of the settlement as indicated in the said application are now affirmed by the husband of the deceased Plaintiff, who has been brought on record (as IA No.4965/2016 is allowed).

The substituted Plaintiff submits the sum lying deposited in this Court be released in his favour since the entire sale consideration for the suit property has been paid, which fact is also acknowledged by the learned counsel for the Defendants. I am satisfied that the terms of the settlement are lawful.

In the circumstances, the application is allowed.

Consequently, the suit along with pending application are disposed of having been settled. The Registrar General of this Court is directed to release the amount of ₹ 40.00 Lacs deposited by the Plaintiff in favour of the substituted Plaintiff, Shri Kulwant Rai Maini, along with interest accrued thereon, if any.

VIBHU BAKHRU, J

JULY 26, 2016

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