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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 1698/2007

NISHA SINGH & ANR

..... Plaintiffs

Through: Mr. Sanjeev Mahajan, Adv.

versus

INDU SABHARWAL & ORS.

..... Defendants

Through: Mr. Ayush Agrawal and

Mr. Vikrant Singh, Advs for D-2.

AND

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TEST.CAS. 2/2008

BHAI UPINDER SINGH

..... Petitioner

Through: None.

versus

THE STATE & ORS.

..... Respondents

Through: Mr. Sanjeev Mahajan, Adv for R-4&5.

Mr. Jasmeet Singh and Ms. Ashta Sharma, Advs
for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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31.08.2016

IA.No.17866/2013 in CS(OS) No.1698/2007

1. The suit, in so far as against defendants No. 1 and 2, was on 8th November, 2013 decreed in terms of the settlement agreement dated 6th August, 2010. The suit, in so far as against the other defendants, was withdrawn on the same day.

2. IA No.17866/2013 has been filed by the defendant No.2 in the disposed of suit for initiation of proceedings against the defendant No.1 for violation of the settlement agreement dated 6th August, 2010 as well as the orders passed in the suit.

3. I have inquired from the counsel for the applicant/defendant No.2 as to how such an application is maintainable in a disposed of suit.

4. The counsel for defendant No.1/non applicant also states that defendant No.2 has claimed similar relief as claimed in this application in the execution filed of the decree as well.

5. The application is thus disposed of with liberty to the defendant No.2 to press the same relief, if entitled thereto, in the execution proceedings.

IA.No.4226/2015 (of the defendant No.1 for directions) in CS(OS) No.1698/2007

6. The counsel for the applicant/defendant No.1 withdraws the application with liberty to take appropriate remedies.

7. The application is disposed of with liberty aforesaid.

Test.Cas.No.2/2008

8. None appears for the petitioner.

9. The counsel for the respondents No.4 and 5 states that after the decree in CS(OS) No.1698/2007, this petition does not survive and for this reason only the petitioner has not been appearing.

10. On inquiry it is informed that the testamentary case is at the stage of cross examination of the petitioner.

11. Since none appears for the petitioner, dismissed in default.

RAJIV SAHAI ENDLAW, J

AUGUST 31, 2016

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12. After Testamentary case has been dismissed as aforesaid, Ms. Anushuiya Singh, Advocate has appeared on behalf of the petitioner and

states that she has been engaged yesterday only and has filed her vakalatnama.

13. It is open to the petitioner to take appropriate remedies.

RAJIV SAHAI ENDLAW, J

**AUGUST 31, 2016
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