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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 460/2016**
ABHILASHA GUPTA Plaintiff

Through: None.

versus

SHRI VIJAY PRAKASH & ORS Defendants
Through: Mr. Shakti Vardhan, Advocate for Mr.
P. Roychaudhury, Advocate for D-1.

CORAM:
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **16.01.2017**

I.A. 480/2017 (for recording the appearance of the counsel for the Defendant no.1 in the order dated 08.11.2016)

Although the order dated 08.11.2016 states that learned counsel for defendant no. 1 was present and argued the matter, by mistake his attendance has not been marked. Let the order dated 08.11.2016 reflect the attendance on behalf of defendant no. 1 as well.

The order of 08.11.2016 is reproduced hereunder:-

“+ *CS(OS) 460/2016 & I.A. No. 11296/2016*

ABHILASHA GUPTA Plaintiff

Through: Mr. Rakesh Tiku, Sr. Adv. with Advocate along with Mr. Rishsi Bhatnagar, Advocate.

versus

SHRI VIJAY PRAKASH & ORS

..... Defendants

*Through: Mr. Shakti Vardhan, Advocate for
Mr. P. Roychaudhury, Advocate for
D-1.
Ms. Ayshwarya Chandar, Advocate
for D-2.
Ms. Ashu Singh, Advocate on behalf of
the applicant in I.A. No. 13833/2016.*

CORAM:

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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08.11.2016

I.A. No. 13833/2016 (application under Order XXIII Rule 3 read with Section 151 of the Civil Procedure Code for disposal of the suit in terms of the settlement dated 03.11.2016)

The parties to the suit have submitted that they have resolved their disputes and have entered into a settlement and have also moved an application under Order XXIII Rule 3 read with Section 151 CPC which is before us and filed the settlement dated 03.11.2016 and requested that suit be disposed of in terms of the settlement.

Mr Ratnish Bansal, Advocate along with Ms. Ashu Singh, Advocate appearing on behalf of the estranged wife of defendant no. 1 has submitted that she had moved an application under Section 151 CPC which the Registrar is listing for 11.11.2016. This court called for the said application. The application be registered. The arguments are addressed by the parties on the applications.

It is contended on behalf of the defendant no. 1 that his wife had expired long ago and that the applicant is not his wife and that he never got married with the applicant. The defendant no. 1 has voluntarily

entered into a settlement with his two daughters i.e. plaintiff as well as defendant no. 2 and that the applicant has no locus standi to challenge the said settlement since she has no right, title or interest in the property. The applicant has raised several contentions in the application and has challenged the said settlement and claims her interest in the property.

I have considered the rival contentions of the parties.

Without entering into the question whether the applicant is wife or not of defendant no. 1, it is apparent that her claim in the property is only through defendant no. 1 i.e. the husband of the applicant who has voluntarily entered into the settlement dated 03.11.2016. By virtue of which, he had gifted the properties to his daughters – plaintiff, Abhilasha Gupta and defendant no. 2 i.e. Pragati Gupta vide registered deeds.

In view of the settlement arrived at between the parties, the suit stands disposed of in terms of the settlement. The parties shall remain bound by this settlement. The applicant, however, is free to take any legal action as the law permits her.

DEEPA SHARMA, J

NOVEMBER 08, 2016/sapna”

In view of the above, the application stands disposed of.

DEEPA SHARMA, J

JANUARY 16, 2017

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