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

+ **CS(OS) 444/2017**

SONU BHATIA & ANR

..... Plaintiffs

Through : Ms.Vandana Bhatnagar, Adv.

versus

SHALINI VOHRA

..... Defendant

Through : Mr.Dinesh Garg with Ms.Rachna
Agrawal, Advs.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **09.11.2017**

IA No.13108-13109/2017

IA No.13108/2017 is a joint application moved on behalf of the plaintiffs and defendant under Order 23 Rule 3 & 3A of the Code of Civil Procedure praying for a decree in terms as contained in Memorandum of Family Settlement dated 24.10.2017 read with the site plan annexed to ANNEXURE A. Further IA No.13109/2017 is an application under Order 32 Rule 7 read with order 23 rule 3 and 3A of the Code of Civil Procedure for grant of leave to compromise the suit to Amit Bhatia (father of plaintiff No.2) on behalf of the minor plaintiff No.2 and to pass a compromise decree.

The plaintiffs has filed the aforesaid suit for declaration and permanent injunction in relation to property No.B-112, Neeti Bagh, New Delhi, admeasuring 511.66 sq.yds. The said property was

originally owned by Mr.Dhan Raj Malhotra who unfortunately died on 11.12.1978, leaving behind his last Will and Testament dated 11.11.1973 bequeathing the said property in favour of his daughters viz., Reena Aggarwal, Mrs. Nita Madan and Ms. Shakuntala Malhotra. It is submitted that Mrs. Nita Madan and Ms. Shakuntala Malhotra had relinquished their respective share vide Relinquishment Deed dated 09.02.1979 in favour of Ms.Reena Aggarwal who became the owner thereof and got the said property mutated in her favour. However, she unfortunately died on 04.11.2009 leaving behind her last Will and Testament dated 02.01.2009 bequeathing the said property in favour of the plaintiff No.1 and the defendant herein. Later some disputes arose while developing the property by a builder and a need arose to implead plaintiff No. 2 a minor in this suit and now the matter is settled between the parties vide Memorandum of Family Settlement dated 24.10.2017, which is part of IA No.13108/2017.

In the circumstances so explained the leave is granted to Amit Bhatia to compromise the suit on behalf of plaintiff No.2.

The parties thus have agreed to settle the disputes in terms of para 1.1 to para 10 of the Family Settlement. The settlement is within family, is voluntary, without any coercion or any fraud exerted upon anyone and the parties shall abide by the terms of settlement.

Hence a decree is hereby passed in terms of Memorandum of Family Settlement dated 24.10.2017 with site plan annexed. Decree sheet be thus prepared.

The suit and applications are disposed of.

Since the matter is settled between the parties prior to recording of evidence, the court fees be refunded as per provisions of the Court Fees Act.

The date of 06.12.2017 fixed before the learned Joint Registrar stands cancelled.

YOGESH KHANNA, J

NOVEMBER 09, 2017

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