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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 489/2011 & IA No. /2018 (u/O XXIII R-3 CPC)
KUMUDINI VENUGOPAL Plaintiff
Through: Ms. Gurkamal Hora Arora and Ms.
Ankita Gupta, Advs.
versus
PUSHP LATA MADAN & ORS Defendants
Through: Mr. Dhruv Dwivedi and Mr. Shaukin
Bakhtiyar, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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22.01.2018

1. In this suit for partition, a preliminary decree for partition was passed on 21st February, 2013 with respect to immovable properties and inquiry into *mesne* profits ordered and Court Commissioner appointed therefor.
2. The suit has been languishing since then for passing a final decree.
3. The counsel for the plaintiff and the counsel for all the three defendants namely (i) Pushp Lata Madan; (ii) Mrinalini Sarin; and, (iii) Sandeep Madan, state that the matter relating to final decree for partition and all other disputes between the parties has been resolved on the terms contained in the application drawn up under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC). It is stated that the said application was filed in the Registry but was returned under objection.
4. The counsels state that the deficiencies pointed out by the Registry have been made up.
5. The counsels are permitted to hand over the application in the Court and the same is taken on record and be numbered.

6. The counsel for the plaintiff states that the application is signed by the plaintiff and supported by affidavit of the plaintiff.
7. The counsel for the defendants no.2&3 states that the application is signed by the defendants no.2&3 and supported by their affidavit and the defendant no.3 has also signed the application on behalf of the defendant no.1 and the Power of Attorney of the defendant no.1 in favour of the defendant no.3 is also annexed to the application.
8. I have perused the compromise arrived at between the parties and find the contents thereof to be lawful.
9. The parties have before the Court exchanged the title documents and keys as recorded in the application.
10. As sought, the Court Commissioner appointed vide order dated 21st February, 2013 is also appointed Court Commissioner for operating locker No.772 with Punjab National Bank in the name of Pushp Lata Madan and is directed to visit the said bank along with the plaintiff and the three defendants on a date mutually fixed and to open the locker and remove the contents thereof and hand over the same to the plaintiff and the defendant no.2 Mrinalini Sarin in accordance with the final decree.
11. The fee of the Court Commissioner is fixed at Rs.50,000/- besides out of pocket expenses, to be borne by the plaintiff.
12. A final decree for partition of (i) property no.159, Pushpanjali, Vikas Marg Extension, New Delhi – 110 092; (ii) property no.A-333, Surya Nagar, District Ghaziabad – 201 011; and, (iii) property i.e. Storage Space Loft No.1 (L-1), Kanchenjunga Building, 18 Barakhamba Road, New Delhi – 110 001 and qua all other matters subject matter of suit is passed in terms of *CS(OS) 489/2011*

compromise application aforesaid which along with its annexures shall form part of the decree sheet, leaving the parties to bear their own costs.

13. Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

JANUARY 22, 2018
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CS(OS) 489/2011

page 3 of 3