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

+ **CS(OS) 291/2015 & I.A.Nos.2320/2015, 10659/2015, 10957/2015**

SHALEEN JAIN

..... Plaintiff

Through **Ms.Ritu Gupta with Mr.Aman
Rastogi, Advocates with plaintiff in
person.**

versus

RISHABH KUMAR JAIN AND OTHERS

..... Defendants

Through **Mr.Puneet Taneja, Advocate for D-1
with D-1 in person.
Mr.Ashish Sharma, Advocate for D-2
& 3 with D-2 & 3 in person.
Mr.Sunil K.Chaudhary with Mr.Rahul
Chaudhary, Advocates for D-5 & 6
with D-5 & 6 in person.
Ms.Sadhna Jain, D-7 in person.
Mr.Sidharth Jain, D-8 in person.**

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Date of Decision: 20th March, 2018

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. In pursuance to the last order, the plaintiff as well as defendant nos.1, 5, 6, 7 & 8 are personally present in Court.
2. After some discussions, learned counsel for the plaintiff and defendant nos.1, 5, 6, 7 & 8 pray that a final decree of partition be passed

defining the share of the parties in property bearing No.C-408, Yojana Vihar, Delhi, as under:-

Sr.No.	Party	Share
1.	Plaintiff	20%
2.	Defendant No.1	14%
3.	Defendant No.5	23%
4.	Defendant No.6	23%
5.	Defendant No.7	0%
6.	Defendant No.8	20%

3. Learned counsel for the plaintiff and defendant nos.1, 5, 6 & 8 also state that they shall divide the movable properties of the deceased Sh.Raj Kumar Jain in accordance with Clause (6) of his Will registered on 03rd October, 2012.

4. At this stage, learned counsel for defendant nos.2 to 4 (builders) state that they are willing to relinquish all their rights, interest and title in the property bearing No.C-408, Yojana Vihar, Delhi and return the possession of the same to the plaintiff as well as defendant nos.1, 5, 6 & 8 provided the defendant nos. 2 to 4 are paid a sum of Rs.45 lakhs.

5. Learned counsel for the plaintiff and defendant nos.1, 5, 6 & 8 assure and undertake to this Court that a sum of Rs.45 lakhs shall be paid to defendant nos.2 to 4 (builders) in proportion of their share in property No.C-408, Yojana Vihar, Delhi within a period of six months.

6. Learned counsel for defendant nos.2 to 4, on instructions of defendant nos.2 & 3, who are personally present in Court, assure and undertake to this Court they shall cooperate in the sale of property No.C-408, Yojana Vihar, Delhi and would hand over the possession of the said property to either plaintiff, defendant nos.1, 5, 6 & 8 or their nominee, without demur, upon receipt of Rs.45 lakhs.

7. The statements and undertakings given by the counsel as well as by the parties are accepted by this Court and the parties are held bound by the same. With consent of the parties, the present suit is decreed in the aforesaid terms. Registry is directed to prepare a decree sheet.

8. As a token of acceptance of today's order, the parties as well as their counsel are directed to sign the order sheet.

MARCH 20, 2018
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MANMOHAN, J

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