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

+ CS(OS) 109/2018 & I.As. 3699/2018, 6358/2018, 9197/2018

STATE BANK OF INDIA

..... Plaintiff

Through: Mr.Arjun Harkauli, Mr.Anshuman
Gargesh, Ms.Arunima Bishnoi and
Mr.Vardaan Wanchoo, Advocates

versus

M/S KASHYAP ORGANICS & ORS

..... Defendants

Through: Mr.Sudhanshu Batra, Senior
Advocate with Mr.Sunil Verma,
Advocate for D-1 to D-3
Mr.K.R. Chawla, Advocate for D-4
Mr.Sanjay Rai, AGM for Bank

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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14.12.2018

1. Learned counsels for the defendants' submits on instructions from defendant No.2 present in Court that without prejudice to their rights and contentions, the defendants have no objection to setting aside of the decrees dated 07th May, 2014 and 06th January, 2017 in CS(OS)1994/2009 titled *Swarj Sharma v. Anil Sharma*.
2. The suit is decreed in terms of prayer (a), (b) and (c) and the decrees dated 07th May, 2014 and 06th January, 2017 in CS(OS)1994/2009 are hereby set aside.
3. Learned counsel for defendant No.4 submits that the decrees dated 07th May, 2014 and 06th January, 2017 were registered with Sub-Registrar, Hauz Khas on the basis of the Will dated 08th April, 2010 and the decrees dated 07th May, 2014 and 06th January, 2017.

4. The defendant No.4 has no objection to the cancellation of the registration and mutation. The Sub-Registrar, Hauz Khas is directed to cancel the registration of decrees dated 07th May, 2014 and 06th January, 2017 within four weeks.
5. Learned counsel for defendant No.4 submits that defendant No.4 has not transferred, alienated or created any third party interest in respect of the suit property. In view of the setting aside of the decrees dated 07th May, 2014 and 06th January, 2017, the defendant No.4 surrenders the possession in favour of defendant No.2 and 3.
6. Since defendant No.4 has not transferred or alienated or created any third party interest in respect of the suit property, learned counsel for the plaintiff does press for prayer (d) and (e).
7. Defendant No.2 shall sign the order sheet before leaving this Court.
8. Defendant No.2 and 3 shall file an affidavit with the Court Master within four days to the effect that the statements made by the counsels today are with their instructions.
9. The suit is disposed of in the above terms. Pending applications are disposed of.
10. List for reporting compliance on 25th January, 2019.
11. Learned counsels for the defendants No.1 to 3 submits that defendants No.1 to 3 have given a proposal for one time settlement to bank. The bank is at liberty to consider the same.
12. Copy of this order be sent for compliance to Sub-Registrar, Hauz Khas.
13. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master. Both the parties shall submit copy of this order to the Sub-Registrar, Hauz Khas within one week. The defendants shall also submit the copy of registered documents before the Sub-Registrar,

Hauz Khas along with the copy of this order.

DECEMBER 14, 2018/ds

J.R. MIDHA, J.