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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 142/2010 & CM APPL. 31027-31028/2018, CM APPL.**
31811/2018
KANWAL MEHROTRA & ANR Appellant
Through: Ms. Mukta Sharma, Adv.

versus

STATE & ORS Respondent
Through: None for R-1.
Mr. Rajesh Khari, proxy counsel for
R-2.
Ms. Jyoti Taneja, Adv. for GNCTD.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **10.10.2018**

Mr. Rajesh Khari, counsel present on behalf of Mr. M. Siddaqui whose Vakalatnama is on the record submits that he is present under instructions from the said counsel for the respondent no.2.

Placed on record is an application CM APPL. 31811/2018 that had been filed on behalf of the respondent no.2 seeking cancellation of the endorsement on the sale deed dated 15.06.2005 in relation to the aspect that the respondent no.2 and the spouse of the respondent no.2 Mr. Vidosh Mehta stood surety in PC No.373/2006 for the respondent no.2 for a sum of Rs.9,96,852/- on the document i.e. sale deed dated 15.06.2005 in relation to a property Ground Floor (Left side) without roof rights of property no.A-11/1, comprising of four

bed rooms, kitchen, two toilet cum bath and one drawing/dining room along with undivided indivisible, impartial, proportionate ownership rights in the total land area measuring 185 Sq. Yards situated in the area of Rana Pratap Bagh, Delhi submitting to the effect that a settlement has since been arrived at between Ms. Madhu Mehta, Mr. Sumit Mehta, Mr. Amit Mehta & Ms. Meenakashi Choudhary and the appellants Mr. Kanwal Mehrotra and Mr. Rajesh Mehrotra as a consequence of which a sum of Rs.36 lakhs i.e. Rs.9 lakhs each has been received by the respondents Ms. Madhu Mehta, Mr. Sumit Mehta, Mr. Amit Mehta & Ms. Meenakashi Choudhary brought on record in terms of order dated 03.08.2018 as the respondent nos.2, 3, 4 & 5 as per the amended memo of parties dated 03.10.2018 on record which amounts are stated to have been received vide the bank draft on 30.05.2018.

In reply to a specific Court query, it is also affirmed on behalf of the respondent nos.2 to 5 that in terms of the settlement agreement dated 28.04.2018 executed between the appellants herein and the respondent nos.2 to 5, the respondent nos.2 to 5 in terms of clause-1 of the said settlement have agreed to forego all their rights, claims etc. qua suit property A-18, Oberoi Apartment, Ali Pur Road, Delhi and undertake to abide by all the terms of the said settlement. In view thereof, the application, which is also not opposed on behalf of the appellants is allowed and likewise the application CM APPL.31028/2018 filed as a joint application by the appellants and the respondent nos.2, 3, 4 & 5 is allowed and FAO 142/2010 in terms

of the settlement dated 28.04.2018 between the parties placed on record as Annexure P-1 to CM APPL.31028/2018 is allowed with both the appellants and the respondent nos.2 to 5 being bound by the terms of the said settlement.

The date 12.11.2018 is cancelled.

ANU MALHOTRA, J

OCTOBER 10, 2018

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