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

+ CM(M) 138/2015

SUBHASH CHANDER BAJAJ & ORS Petitioners

Through: Mr. Angad Singh & Mr. Rajiv
Dewan, Advs.

versus

MADAN MOHAN BAJAJ Respondent

Through: Mr. Sumit Gaba, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **18.01.2018**

The Civil suit (suit no.34/13) in the course of which the impugned order dated 24.09.2014 was passed by the Civil Judge, was instituted by the respondent (plaintiff) on 22.03.2013 seeking relief of declaration and permanent injunction, *inter alia*, relying on document in the nature of Family Settlement dated 31.08.1994 (Ex.PW-1/2). The petitioners are some of the defendants in the said suit. It appears they had earlier taken objection to the admissibility of the document dated 31.08.1994 on the ground it was not registered. The trial court by order dated 26.03.2014 rejected the said contention referring *inter alia*, to *Mahipal Singh Thakur vs. Hema Thakur (2005) 82 DLR 311 (DB)*. Thereafter, the petitioners, defendants in the suit, raised the issue of admissibility on the ground that the document did not bear the stamp duty. This contention has been rejected by the trial court by the impugned order dated 29.04.2014 again referring to ruling in *Mahipal Singh Thakur* (supra).

The contention of the petitioners cannot be accepted. It is well-settled that a document in the nature of Family Settlement whereby certain rights are extinguished, some of the members of the family releasing their claim over a portion, stamp duty is not payable. Reference may be made in this context to the ruling in *Mahip Singh Thakur vs. Hema Thakur & Ors.* 2005 (82) DRJ 311 (DB).

In above view, the petition is devoid of substance and is dismissed.

R.K.GAUBA, J

JANUARY 18, 2018

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