

\$~3&5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CS(OS) 345/2010, IAs No.14126/2010 (u/O VI R-16 CPC), 839/2011 (u/O VII R-11 CPC), 11836/2011 (u/S 151 CPC), 5453/2013 (u/O VII R-14 CPC), 5454/2013 (u/O XVIII R-3A), 14172/2016 (u/S 151 CPC), 14711/2016 (u/S 151 CPC), CrI. MA 698/2011, CrI. MA No.20240/2012 (u/S 340 CrPC) & IA No.3724/2018 (of the parties under Order XXIII Rule 3 CPC).

RAJAT SIKKA Plaintiff

Through: Mr. Shaunak Kashyap & Mr. Rahul Mukherjee, Advs.

Versus

KANAN BALA SIKKA & ANR Defendants

Through: Mr. Prabhjit Jauhar, Adv.

AND

+ CS(OS) 2044/2011, CrI. MA No.20238/2012 (u/S 340 Cr.PC) and IA No.2158/2014 (u/S 151 CPC).

KANNAN BALA SIKKA AND ANR Plaintiff

Through: Mr. Prabhjit Jauhar, Adv.

Versus

RAJAT SIKKA Defendant

Through: Mr. Shaunak Kashyap & Mr. Rahul Mukherjee, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

15.03.2018

1. The counsel for Rajat Sikka and the counsel for Kannan Bala Sikka and Ritu Khanna state that they had in pursuance to the order dated 30th January, 2018, filed an application under Order XXIII Rule 3 of the CPC in the Registry of this Court but it was returned yesterday for the reason of vakalatnama of the counsel for Kannan Bala Sikka and Ritu Khanna being not on record. It is stated that the said deficiency has been removed and permission is sought to handover the application in the Court.

2. Allowed.
3. The application of the parties under Order XXIII Rule 3 of the CPC stated to be signed by the parties as well as by their advocates and further stated to be accompanied with the affidavits of the parties is taken on record and be numbered.
4. CS(OS) No.345/2010 has been filed by Rajat Sikka for declaration of an oral partition of property bearing No.E-522, Greater Kailash Part-II, New Delhi for injunction restraining Kannan Bala Sikka and Ritu Khanna, being his mother and sister, from acting in contravention thereof.
5. CS(OS) No.2044/2011 has been filed by Kannan Bala Sikka and Ritu Khanna for partition of the aforesaid property.
6. I have perused the compromise application accompanied with a copy of the Deed of Settlement dated 29th January, 2018 also stated to have been signed by the parties. The parties have agreed to sale of the property and to distribution of sale proceeds, with Kannan Bala Sikka and Ritu Khanna together getting 58% of the sale proceeds and Rajat Sikka getting 42% of the sale proceeds.
7. On enquiry, it is stated that court fees if any payable on the decree for partition of sale of the property and distribution of sale proceeds thereof shall be borne by the parties in proportion to their share aforesaid.
8. On a reading of the Settlement Deed, it is also found that the compromise arrived at between the parties encompasses certain transactions beyond the suit also. Else, the compromise is found to be lawful and is allowed.

9. A preliminary decree is passed declaring Kannan Bala Sikka and Ritu Khanna together to be having 58% undivided share in property bearing No.E-522, Greater Kailash Part-II, New Delhi and Rajat Sikka to be having the remaining 42% share in the said property.
10. Preliminary decree for partition of the said property be drawn up.
11. A final decree of partition is also passed, of sale of property bearing No. E-522, Greater Kailash Part-II, New Delhi and of distribution of sale proceeds thereof amongst the parties as per their shares declared in the preliminary decree of partition.
12. Parties are left to bear their own costs.
13. Decree sheet be drawn up.
14. The compromise application and its annexures and today's order to form part of the decree sheet.

Dasti.

RAJIV SAHAI ENDLAW, J

MARCH 15, 2018

'gsr'..