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

+ **FAO 365/2010, C.M.No.17780/2010, C.M.No. 1954/2018**

KANTA TREHAN & ORS Appellants
Through: Mr. Vijay Gupta, Advocate.

versus

HARISH NAYYAR & ORS Respondents
Through: Mr. R.R. Kumar, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **17.05.2018**

The learned counsel for the appellants states that in compliance of this Court's order dated 10.04.2018, an affidavit has been filed by Mr. Rahul Nayyar to the effect that Mr. Jagdish Nayyar/respondent no. 3 has conveyed to him that he has no objection to the Family Settlement reached between the siblings. The said affidavit reads as under:-

"Affidavit

I Rahul Nayyar aged 49 years (Born on: 9/16/1968) s/o Shri Satish Nayyar, r/o 2109, Highland Springs Place, Louisville Kentucky 40245, USA, a USA citizen, do hereby solemnly affirm and state as under:

1. That I am the son of Shri Satish Nayyar, respondent No. 2 in the above case and have been provided with a copy of the order dated 10.04.2018 passed by the Hon'ble Court in the above case. As such, I have become aware of the action that I am expected to take in pursuance of the said order. Accordingly, I state as under about the action that I have taken in pursuance of the said order dated April 4th 2018 and the action that I took earlier by making my visits to Portland, Oregon to meet Shri

Jagdish Nayyar. I state as under.

2. I state that I received a copy of the letter dated 15.03.2018 from Mr. Vijay Gupta, Advocate of RM Gupta & Co., Advocates, counsel for the appellants in the above mentioned appeal, the original of which was addressed to Shri Jagdish Nayyar, residing at Portland, Oregon, USA. Enclosed with the said letter were copies of the orders dated February 7 and March 7, 2018 passed by this Hon'ble Court, as also a copy of the Family Settlement dated December 04, 2013 entered into between all the siblings in the above case.

3. I state that I have undertaken a number of visits to Portland, Oregon to meet Shri Jagdish Nayyar. On the issue of family settlement, I state that he has conveyed his no objection to the family settlement reached between the siblings in the above case. My first visit to Portland was from September 26th 2014 to September 30th 2014 and I was accompanied by Mr. Sudip Kohli. My second visit was from August 24th 2016 to August 26th 2016 and I was accompanied by my parents (Mr. Satish Nayyar and Mrs. Rita Nayyar). My last trip was from June 7th to June 10th 2017. I have also submitted proof of travel documents as attached with the affidavit.

4. I state that Shri Jagdish Nayyar has not disclosed or shared his understanding as the treatment of his share from the said property.

5. I say that the statements made in the preceding paragraphs are true and correct to my knowledge”.

The Court would note that the deponent-Mr. Rahul Nayyar made three visits to Mr. Jagdish Nayyar, in which on one occasion, he was accompanied by one Mr. Sudip Kohli and on another with his parents-his father is respondent no. 2 in this appeal.

The learned counsel for the appellants states, upon instructions, that after

sale of the suit property in terms of the Family Settlement, share of Mr. Jagdish Nayyar shall be credited to his bank account maintained with Central Bank of India, Nizamuddin East Branch, New Delhi and if he so wanted to it could then be repatriated into his account maintained in the United States of America, as per the extant Regulations of Reserve Bank of India.

In view of the above, the Family Settlement has to be complied with and given effect to, keeping in mind this Court's orders dated 07.02.2018, 07.03.2018 and 10.04.2018. Let it be so done.

The appeal is disposed-off in the above terms.

A copy of this order be given *dasti* to the learned counsel for the parties under the signatures of the Court Master.

NAJMI WAZIRI, J

MAY 17, 2018

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