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

+ **CS(OS) 346/2018**

SATTO DEVI

..... Plaintiff

Through: Mr. J.S. Kanwar & Mr. Yashpal
Panwar, Advs.

Mr. Rajiv Raheja, Adv.

Versus

OM PARKASH & ORS.

..... Defendants

Through: Mr. Amreek Singh & Mr. Ram
Kishore Agrawal, Advs. for D-1 to
11.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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29.10.2018

IA No.14800/2018 (of the plaintiff under Order XXIII Rule 3 CPC)

1. Mr. Rajiv Raheja, Advocate, at the outset, states (a) that he was earlier appearing for the plaintiff and the plaintiff on enquiry by him states that some talks for compromise were going;and, (b) neither Mr. J.S. Kanwar nor Mr. Yashpal Panwar, new counsels appearing for the plaintiff today, have taken his no objection nor is he aware of any compromise, if any, entered into by the plaintiff.

2. Mr. Rajiv Raheja, Advocate, upon being asked whether the plaintiff is present in person, points out to one lady. The said lady, on enquiry in vernacular whether she has signed the compromise, points out to Mr. J.S. Kanwar and Mr. Yashpal Panwar, Advocates appearing for her and answers in the affirmative.

3. On further enquiry in vernacular, whether she has entered into settlement of her own volition, the person identified as plaintiff replies in the affirmative.
4. In this view of the matter, Mr. Rajiv Raheja, Advocate and other advocates earlier appearing for the plaintiff are discharged.
5. The plaintiff had instituted this suit for partition and ancillary reliefs. The parties now along with this application have filed photocopy of Compromise Deed dated 17th October, 2018 but which is not in the form of Memorandum of Family Settlement but in the form of a Partition Deed.
6. No decree can be passed in terms of compromise and if passed, will be subject to payment of stamp duty as on a decree for partition of immovable property.
7. The counsels for the parties state that the suit be disposed of taking the terms of the Settlement Deed on record.
8. The application is allowed only to the aforesaid extent and is disposed of.

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9. The suit is disposed of taking the Settlement Deed on record and without passing any decree in terms thereof.
10. The parties to bear their own costs.
11. The date of 10th December, 2018 before the Joint Registrar is cancelled.

RAJIV SAHAI ENDLAW, J

OCTOBER 29, 2018

‘gsr’..