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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (OS) 521/2018 & I.A. 14307/2018**

MS AMITA BHUCHAR & ORS. Plaintiffs

Through: Ms. Prerana, Advocate with Plaintiffs
in person. (M:9999867039)

versus

SMT. USHA KESSAR & ANR. Defendants

Through: Mr. Pardeep Dahiya, Advocate with
Defendants in person.
(M:9818894347)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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29.11.2018

1. Present suit for declaration, cancellation of Will dated 30th November, 2012 and permanent injunction has been preferred by the three daughters of Late Major General Shiv Rattan Vir Kessar against their mother i.e. Smt. Usha Kessar – Defendant No.1 and brother i.e. Mr. Sumir Vir Kessar – Defendant No.2. The prayer in the suit is for declaration and cancellation of the Will dated 30th November, 2012 executed by their father.

2. On the last date, this Court while issuing summons and notice had directed the parties to remain present in Court today. All the parties are present today. With the assistance of the counsels, the Plaintiffs have interacted with their mother Smt. Usha Kessar and brother Shri Sumir Vir Kessar. The parties have agreed to resolve their disputes on the following terms and conditions.

a) Parties agree and undertake that during the lifetime of the mother, she would enjoy the residential property bearing No.D-105, Som Vihar Apartments, R.K Puram, Sector-10, New Delhi for her personal use and occupation. After her demise, the said property would be divided between all the four LRs i.e. the three Plaintiffs and Defendant No.2 in

1/4th share each.

b) The Plaintiffs further agree not to claim any right, title or interest in any movable or immovable assets of their father and their mother is free to deal with the movable or immovable assets including the fixed deposits, mutual funds, shares, movable and immovable properties belonging to the father or mother in any manner, as the mother wishes during her lifetime.

c) The parties also agree that the above terms would be binding not only on the Plaintiffs and Defendant no.2 but their spouses and children and/or other legal heirs.

3. Statements of the parties have been recorded. They have agreed to the settlement terms.

4. It is accordingly directed that the Plaintiffs, shall not claim any right, title or interest during their mother's lifetime in the property bearing No. D-105, Som Vihar Apartments, R.K Puram, Sector-10, New Delhi. After the demise of the mother i.e., Defendant No.1, they shall be at liberty to sell the said property and equally divide the sale proceeds between them. Modalities of the same shall be agreed to between the parties after the demise of the mother. The sale of the property shall take place jointly and neither party shall be entitled to sell his/her share individually, without the other three siblings consenting to the same.

5. The suit is decreed in the above terms. Decree sheet be drawn up. 50% of the court fee is directed to be refunded to the Plaintiffs. All pending I.As. stand disposed of.

PRATHIBA M. SINGH, J.

NOVEMBER 29, 2018/dk