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

+ TEST.CAS. 35/2017

MRS. GEETA SURI & ORS

..... Petitioners

Through Mr.M.K. Vashishth and Mr.Piyush
Ryal, Advs. with Mrs.Geeta Suri-petitioner

versus

STATE & ORS

..... Respondents

Through Ms.Monika Shahi and Mr.Dinesh
Monga, Advs. for R-2(i) to 2 (iii) with Ms.Megha
Singh, R-2(ii).

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

08.02.2019

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1. Parties have entered into a settlement agreement before the Mediation Centre on 06.02.2019. In terms of the settlement agreement, Ms.Romila Suri, respondent No. 2(i) shall be the absolute owner of half share of the property being R-766, New Rajinder Nagar, New Delhi-110060 by virtue of Gift Deed dated 29.03.2016. Ms.Geeta Suri, petitioner No.1 shall be the absolute owner of flat No.11-C, DDA Flat, Sheikh Sarai, New Delhi-110017. Other terms and conditions are also stated in the settlement agreement. It has also been agreed that the parties will ignore the Will dated 16.05.2013 said to have been executed by Late Sh. R.K. Suri in view of the settlement between the parties.

2. Present probate petition has been filed seeking probate of the Will

dated 16.05.2013. Let the present petition be converted by the Registry into a suit for declaration and partition. The suit will be numbered accordingly. There will be no need for payment of any additional court fees in view of Section 16 of the Court Fees Act whereby on a settlement arrived at before the Mediation Centre, the parties are entitled to refund of the court fees.

3. A decree is accordingly passed in terms of the settlement agreement. Ms.Geeta Suri, petitioner No. 1 and Ms.Megha Singh, respondent No. 2(ii) are present in person in court. The parties shall remain bound by the terms and conditions of the settlement agreement.

4. In terms of Clauses 6 and 7 of the Settlement Agreement, Ms.Megha Singh, respondent No. 2(ii) on behalf of Ms.Romila Suri, respondent No. 2(i) has handed over complete original file of Flat No. 11-C, DDA Flat, Sheikh Sarai, New Delhi as well as the keys of the said property to the petitioner No.1. She has also handed over a sum of Rs.50,000/- by way of a cheque No. 537072 drawn on Citibank dated 08.02.2019 being the rent received by Ms. Romila Suri in respect of the Flat at Sheikh Sarai.

5. The suit and all pending application stand disposed of accordingly.

JAYANT NATH, J

FEBRUARY 08, 2019

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