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

% *Decision delivered on: 15 .09.2022*

+ **FAO(OS) 24/2021, CM Nos. 23547/2021, 44069-70/2021**

S. JAIVEER SINGH Appellant

Through: Mr Riju Raj S. Jamwal, Adv.

versus

MRS. DEEPAK KAUR Respondent

Through: Mr Amit Bhagat and Ms Arzoo Raj,
Advs.

+ **FAO(OS) 25/2021, CM Nos. 24373-74/2021 & 44164/2021**

S. HARISIMRAN SINGH AND ANR Appellant

Through: Mr Riju Raj S. Jamwal and
Ms Santoshi Yadav, Advs.

versus

DEEPAK KAUR AND ORS Respondent

Through: Mr Amit Bhagat and Ms Arzoo Raj,
Advs. for R-1.
Ms Santoshi Yadav, Adv. for R-2 to
R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MS. JUSTICE TARA VITASTA GANJU

[Physical Hearing/Hybrid Hearing (as per request)]

TARA VITASTA GANJU, J. (ORAL):

1. The present Appeals have been filed by the Appellants, *inter-alia*, to set aside the impugned judgment dated 05.05.2021 passed in IA No. 10164/2020 in CS(OS) 453/2017 (hereinafter "Impugned Judgment").
2. On the request of the parties and their Counsel, 'In-Chamber' proceedings were held by us with the parties and their respective Counsel on 21.07.2022 and 01.08.2022, pursuant to which, parties arrived at a compromise. The compromise morphed into a settlement.



Accordingly, the parties on 17.08.22 executed a settlement agreement [hereafter “S.A.”] with respect to all *inter se* disputes arising amongst them. The S.A. was placed before us along with an interlocutory application i.e., CM APPL.36369/2022.

3. Counsel for the parties, who are present in Court today, say that the obligations as set forth in the S.A. are being complied with by the parties.
- 3.1. The counsel for the Appellants submits that the compliance, as is required, with respect to Clause 2 of the S.A. has been carried out by the Appellants (S. Harisimran Singh Sandhu, S. Zoravar Singh and S. Jaiveer Singh) and accordingly a visit to the office of the New Delhi Municipal Corporation was made. The Counsel for the Respondent (Deepak Kaur) affirms this position.
- 3.2. The parties, thus, jointly request that a decree be passed in terms of the settlement arrived at amongst them. In this regard, they seek to rely on the order passed by this Court on 22.08.22 as well.
4. Given this backdrop, the prayers made in the joint application filed on behalf of the parties under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 [in short, the “Code”] become relevant and therefore set forth hereafter.

“(i). Allow the present application, accept the undertaking given by the parties and further accept the terms of the Compromise/ Settlement as set out in the Settlement Agreement dated 17.08.2022 as annexed with this Application;

(ii) Pass a decree on the basis of and in terms of the Settlement Agreement dated 17.08.2022 arrived at between the Parties;”



5. The counsel for the parties submits that a decree be drawn up, as prayed for and the Property located at 5, Jantar Mantar Road, New Delhi (hereinafter “Property”) be partitioned, with shares being allocated to the parties in terms of the S.A.
- 5.1 As indicated in the order dated 22.08.2022, the parties have affirmed the settlement arrived at amongst them, as recorded in the S.A. The statements and undertakings given by the parties were also recorded in the proceedings held on the said date. At the very same hearing, parties had also confirmed that they had read and understood the terms of the S.A. and that they had arrived at these terms of their own volition, without any coercion or undue influence. Furthermore, parties had also undertaken, that they would comply with the terms and conditions of the S.A.
- 5.2 We had perused the terms of the S.A. and found them to be lawful.
- 5.3 Therefore, all that remains to be done is to pass a decree in terms of the S.A. arrived at amongst the parties.
6. We therefore direct that:
 - (a) The present Appeals shall stand disposed of in terms of the S.A.
 - (b) The Property located at No. 5, Jantar Mantar Road, New Delhi shall stand partitioned, with the following shares, as delineated in the map included in Schedule-I to the S.A:
 - (i) Mr. S Jaiveer Singh [Appellant in FAO (OS) No. 24 of 2021 & Respondent No. 2 in FAO (OS) No. 25 of 2021] be granted 12.5% of the area as demarcated;
 - (ii) Mr. S. Zoravar Singh [Respondent No. 3 in FAO (OS) No. 24 of 2021 & Appellant No. 2 in FAO (OS) 25 of



- 2021] be granted 12.5% of the area demarcated;
- (iii) Mr. S. Harisimran Singh [Respondent No. 2 in FAO (OS) No. 24 of 2021 & Appellant No. 1 in FAO (OS) No. 25 of 2021] be granted 55% of the area demarcated; and
- (iv) Mrs. Deepak Kaur [Respondent in FAO (OS) No. 24 of 2021 & Respondent No. 1 in FAO (OS) No. 25 of 2021] be granted 20% of the area demarcated.
- (c) The map as reproduced in Schedule-I shall form part of the decree sheet.
7. A decree sheet will be drawn up in the aforesaid terms. The Registry will ensure that a legible [colour] copy of the map as reproduced in Schedule-I, is attached with the decree sheet.
8. The parties will now appear before the Learned Single Judge on 19.09.2022 - the date already fixed. A copy of the judgement passed today shall be placed in the suit file as well.
9. Consequentially, all pending interim Applications shall stand disposed of. Interim order dated 02.08.21 passed in FAO (OS) No. 24/2021 shall stand vacated. There shall be no order as to costs.

(TARA VITASTA GANJU)
JUDGE

(RAJIV SHAKDHER)
JUDGE

SEPTEMBER 15, 2022/SA