

#S-5

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 13.04.2023

FAO(OS) 12/2023, , CM APPL. 6299/2023 (Stay), CM APPL. 6300/2023 (Exemption), CM APPL. 6301/2023 (Exemption), CM APPL. 6302/2023 (delay)

AJAY MAHAJAN

..... Appellant

versus

MRIDULA MUKHERJEE & ANR.

..... Respondents

Advocates who appeared in this case:

For the appellant : Mr. T.S. Ahuja & Mr. Varun S. Ahuja, Advocates.
For the respondents : Mr. Gaurab Banerji, Senior Advocate with Mr. Anish Kapur & Ms. Divya Bhalla, Advocates for R-1.
Mr. Abhik Chimni, Mr. Mukul Kalhari & Mr. Saharsh Saxena, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE GAURANG KANTH

J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

1. Mr. Ajay Mahajan, the appellant *herein*, has filed a joint application under the provisions of Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908, along with his siblings namely Ms. Mridula Mukherjee (respondent no. 1 *herein* and original plaintiff, in the subject suit) and Ms. Sucheta Mahajan (respondent no. 2 *herein* and original defendant no. 2, in the subject suit); stating *therein* that they have entered into an amicable settlement, the terms of which have been formalized into a compromise deed dated 29.03.2023 (a copy of the same

is annexed to the present application as **Annexure A**).

2. In view of the foregoing, it is stated on behalf of the parties that a decree, in terms of the aforesaid compromise deed dated 29.03.2023, be passed.

3. It is further, the admitted position between the parties that all outstanding disputes, forming the subject matter of the suit, being **CS(OS) No. 585/2018**, titled as '*Mridula Mukherjee Vs. Ajay Mahajan and Anr.*' stand concluded in terms of the aforesaid compromise deed dated 29.03.2023.

4. The present application is duly supported by affidavits, on behalf of Mr. Ajay Mahajan, Ms. Mridula Mukherjee and Ms. Sucheta Mahajan, *respectively*. The same is also counter-signed by the counsel representing the parties, in the present appeal.

5. In view of the foregoing, the present application is allowed; and the subject suit is hereby decreed.

6. The Registry is directed to draw up a decree, in terms of the compromise deed dated 29.03.2023, as reproduced herein below:-

“SETTELEMENT/COMPROMISE DEED

That this Settlement/Compromise Deed is executed at Delhi on this 22 day of March 2023 between

Smt. Mridula Mukherjee D/o late Sh. Vidya Dhar Mahajan R/o M-10, Lajpat Nagar 3, New Delhi-110024, herein and hereafter termed as the First Party.

And

Sh. Ajay Mahajan S/o late Sh. Vidya Dhar Mahajan R/o D-805, New Friends Colony, New Delhi, Delhi-110025, herein and hereafter termed as the Second Party.

And

Smt. Sucheta Mahajan D/o late Sh. Vidya Dhar Mahajan R/o 105, Uttarakhand,

Jawaharlal Nehru University, New Delhi-110067, herein and hereafter called as the Third Party.

The term of First Party, Second Party and Third Party shall mean and include their representatives, legal heirs, successors, executors, administrators, legal representatives, assignees, and nominees etc.

WHEREAS the First Party had filed a Civil Suit no. CS(OS) 585/2018 which is pending before the Hon'ble court on the original side and FAO (O.S.) No. 12/2023 arising from an interim order which is pending before the Hon'ble Court of Division Bench of the High Court of Delhi.

AND WHEREAS the parties have mutually agreed to settle all their disputes pertaining to the subject matter of the suit CS(O.S.) 585/2018 and FAO(OS) 12/2023 of their own free will and admonition without any pressure coercion and undue influence on the following terms and conditions.

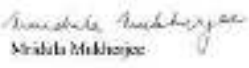
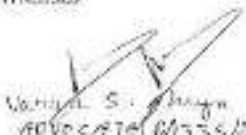
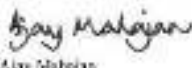
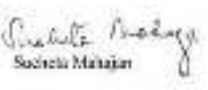
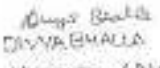
Terms and conditions are as under:

- 1. That all the parties agree and accept the will dated 17.10.2000 as the last and final will of late Smt. Savitri Mahajan and agree to the partition of the properties in terms of the will dated 17.10.2000. The copy of which signed by all the parties is annexed to this settlement.**
- 2. That the first and third party leave their claim with respect to the will dated 04.05.2001 stated to be of late Smt. Savitri Mahajan and accept the will dated 17.10.2000 as the last and final will.**
- 3. That the parties mutually agree to request the Hon'ble Court to pass a decree in the following terms:**
 - a) A decree of declaration declaring the will dated 17.10.2000 as the last and final will of Smt. Savitri Mahajan.**
 - b) A decree of partition pertaining to the properties left behind by Smt. Savitri Mahajan in terms of the will dated 17.10.2000 executed by late Smt. Savitri Mahajan.**
- 4. That all disputes forming subject matter of the suit would stand concluded and settled in terms of this settlement.**

5. That this settlement has been reached between the parties after giving it careful thought and of their own free will and admonition without any pressure coercion and undue influence.

6. That the parties undertake that the present compromise shall remain in force and bind all the parties. The parties shall cooperate with each other to render all necessary assistance for enabling each other to do all acts and deeds as may be necessary for devolution of the estate and assets of late Smt. Savitri Mahajan in accordance with this settlement and will dated 17.10.2000.

IN WITNESS WHEREOF the parties have signed this settlement/compromise deed at New Delhi on this 29 day March 2023 in the presence of witnesses.

PARTIES	WITNESSES
1.  Mridula Mukherjee	 ADVOCATE (B/335/2013) A-214 JLF, Defence Colony New Delhi - 110024
2.  Ajay Mahajan	
3.  Sachin Mahajan	 ADVOCATE (D/1581/09) 30, MUHAMMAD ALI ROAD NEW DELHI - 110013

”

7. The parties are directed to comply with their respective obligations, as elaborated in the compromise deed dated 29.03.2023, without demur.

8. On an oral request made by Mr. Gaurab Banerji, learned Senior Counsel appearing on behalf of Ms. Mridula Mukherjee, respondent no. 1 *herein*, the Registry is directed to refund the court fee, in accordance with the provisions of Section 16 of the Court-fees Act, 1870, *forthwith*.

9. No further directions are prayed for.

10. With the above directions, the appeal being **FAO(OS) 12/2023**, as well as the suit being **CS(OS) No. 585/2018**, are disposed of. All pending

applications also stand disposed of.

11. Copy of the Judgment be uploaded on the website of this Court.

**SIDDHARTH MRIDUL
(JUDGE)**

**GAURANG KANTH
(JUDGE)**

APRIL 13, 2023

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[Click here to check corrigendum, if any](#)

