



2024:DHC:4213



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

Date of decision:- 20th May, 2024.

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CS(OS) 2316/1996

SH. KULBHUSHAN CHAWLA AND ORS. Plaintiffs

Through: Mr. Akshay Bhatia, Adv. for P-1 &2.
(M: 98990 98093)
Mr. Arun Francis & Mr. Kapil
Chawla, Advocate for Plaintiff No. 2
(M: 9868072491)

versus

SMT. VEENA CHAWLA AND ORS. Defendants

Through: Mr. Aayush Malhotra, Adv. for D-1
to 3, 6 to 9.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUDGMENT

PRATHIBA M. SINGH, J.

1. This hearing has been done through hybrid mode.
2. This suit is filed by Mr. Kulbhushan Chawla, Mr. Kapil Chawla and Mr. Rishi Chawla against the following parties:

- i. Smt. Kamla Devi Chawla
- ii. Ms. Veena Chawla
- iii. Master Varun Chawla
- iv. Master Karan Chawla
- v. Mrs. Shreshtha Bajaj
- vi. Mrs. Shashi Bajaj



- vii. Ms. Janaki Devi Chawla
- viii. Mr. Sheel Kumar Chawla
- ix. Mrs. Neelam Bajaj
- x. Mrs. Simmi Jolly
- xi. Mr. Surinder Kumar
- xii. Mr. Raj Narain Kalra

3. The prayer in the suit is for declaration of the partition deed dated 3rd July, 1996 and the sale deeds dated 19th July, 1996 and 9th August, 1996 in respect of the property bearing no. 63, Banarsi Dass Estate, Delhi 110054 as null and void and certain consequential reliefs.

4. The Defendants in this suit are the family members of late Mr. Roop Lal Chawla, Mr. Harbans Lal Chawla, late Mr. Raj Chawla as also Mr. Surinder Kumar who claimed to be the *bona fide* purchaser and Mr. Raj Narayan Kalra who was the family agreed mediator/arbitrator.

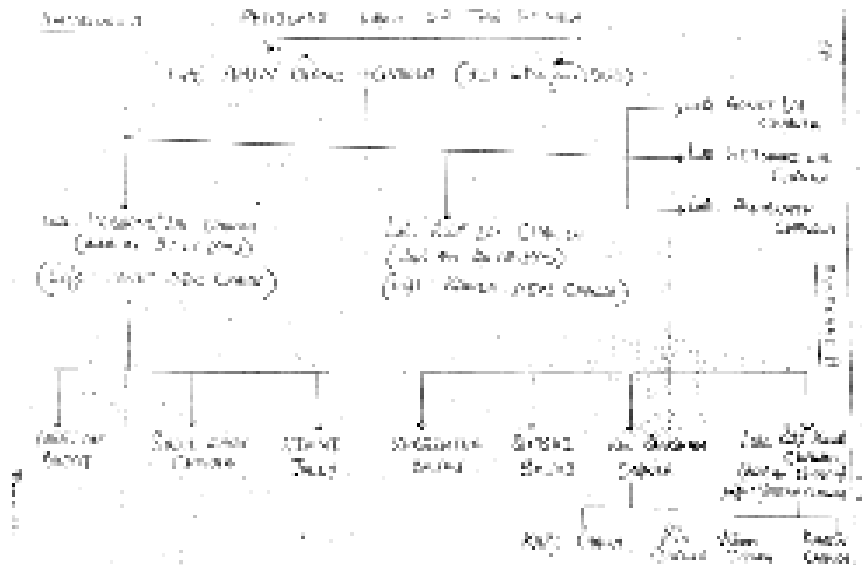
5. Over the years, various changes have been directed in the memo of parties and certain parties have been deleted including vide order dated 1st March, 2024.

“2. This is a suit filed seeking partition, rendition of accounts and injunction. The parties are the descendants of a common ancestor namely- Mr. Amin Chand Chawla. The property in question is property no. 63, Banarsi Dass Estate, Delhi 110054 and other shops i.e., Property No. 124, 125-129, Main Sadar Bazar, known as Crockery Market, Delhi-110006, Property No. 5773, Main Sadar Bazar, Delhi-110006, Goodwill of M/s. Chawla Torch Battery Stores, 5773, Main Sadar Bazar, Delhi-110006 and Goodwill of M/s Harbans Lal Sheel Kumar, Gandhi Market, Sadar Bazar, Delhi-110006.

3. The plaint has set out the pedigree of the parties as



under:



4. As can be seen from the pedigree table, the Plaintiffs are Mr. Kul Bhushan Chawla who is the son of late Mr. Roop Lal Chawla and his two sons namely- Mr. Kapil Chawla and Mr. Rishi Chawla.

5. In **CS(OS) 2316/1996**, a declaration is sought that the partition deed dated 3rd July, 1996 executed between Smt. Janki Devi and Smt. Kamia Devi Chawla and the two sale deeds dated 19th July, 1996 and 9th August, 1996 in favour of Defendant No.10-Mr. Surinder Kumar, be declared as null and void. Further consequential relief is sought including injunction.”

6. Vide order dated 1st March, 2024, applications which were filed for deletion were considered by the Court and the following order was passed:

“6.In **CS(OS) 2827/1996**, the prayer is for partition of the property by metes and bound and for possession. Admittedly, Mr. Surinder Kumar is in part possession of the ground floor of the property and the remaining possession is with Mr. Kul Bhushan Chawla. The possession of first floor is with Mr. Sheel Kumar Chawla who is the grandson of Mr. Amin Chand Chawla through Mr. Harbans Lal Chawla. Mr. Kul Bhushan Chawla is the grandson of late Mr. Amin



Chand Chawla through Mr. Roop Lal Chawla.

7. The present application under Order I Rule 10(2) CPC i.e., I.A. 13657/2023 in CS(OS) 2316/1996 has been filed seeking deletion of Mr. Kapil Chawla and Mr. Rishi Chawla as the Plaintiffs and Ms. Shreshtha Bajaj, Ms. Shashi Bajaj, Ms. Neelam Bajaj and Ms. Simmi Jolly as Defendants in both suits.

8. Mr. Arun Francis, ld. Counsel appears for Mr. Kapil Chawla and Mr. Akshay Bhatia, ld. Counsel appears for Plaintiff Nos. 1 and 3. They submit that they have no objection in Mr. Kapil Chawla and Mr. Rishi Chawla being deleted from the array of parties.

9. Similarly, on behalf of Ms. Neelam Bajaj and Ms. Simmi Jolly, Mr. Aayush Malhotra, ld. Counsel submits that they have no objection in being deleted. Insofar as Ms. Shreshtha Bajaj, Ms. Shashi Bajaj are concerned, the Joint Registrar has recorded on the last date that the said Defendants have been served through publication.

10. In this view of the matter, the following parties are deleted from the array of parties-

- i. Mr. Kapil Chawla*
- ii. Mr. Rishi Chawla*
- iii. Ms. Shreshtha Bajaj*
- iv. Ms. Shashi Bajaj*
- v. Ms. Neelam Bajaj*
- vi. Ms. Simmi Jolly*

11. I.A. 13657/2023 in CS(OS) 2316/1996 under Order I Rule 10(2) CPC is disposed of in these terms."

7. The amended memo of parties was to be filed by the Plaintiffs. The same has been handed today. Parties were referred to mediation and vide settlement agreement dated 16th May, 2024, the parties have resolved their disputes. The following parties are present:

- i. Mr. Kulbhushan Chawla is present physically.



- ii. Mr. Surinder Kumar is present physically.
 - iii. Mr. Sheel Kumar Chawla is present virtually.
 - iv. Ms. Veena Chawla is present virtually.
8. As per the settlement agreement, the parties have agreed that the following shall be the shares of the parties in the suit property:
- i. Mr. Kulbhushan Chawla-25%
 - ii. Mr. Surinder Kumar-20%
 - iii. Mr. Sheel Kumar Chawla -50%
 - iv. Ms. Veena Chawla-5%
9. The parties have also agreed that they are acceptable for the entire property to be sold with the base price of Rs.23 crores.
10. The settlement terms are set out in paragraphs 1 to 17 of the settlement agreement dated 16th May, 2024. The Court has perused the settlement terms and the same are lawful. There is no impediment in recording the said settlement. It is, accordingly, directed that in terms of the settlement, the suit shall stand decreed.
11. The settlement agreement shall form part of the decree. All parties and anyone acting for or on their behalf shall be bound by the terms of the settlement.
12. The suit is decreed in view of the settlement. All pending applications are disposed of.

PRATHIBA M. SINGH, J.

MAY 20, 2024

dj/bh