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

+ **CS(OS) 198/2024**

AFSANA PUNIANI CHOWDHRIPlaintiff

Through: Mr. Sacchin Puri, Senior Advocate
with Mr. Varun Jain, Mr. Nikhil
Fernandes, Mr. Mohd. Deen, Mr.
Salmani Gulam Rabban, Mr. Rahman
Ansari, Mr. Pratik Ranjan and Mr.
Shubham Singh, Advocates

versus

REENA PUNIANI & ORS.Defendants

Through: Mr. Harsh Sethi, Mr. Anant Nigam
and Mr. Raghav Luthra, Advocates
for D-2 & D-3

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

28.08.2024

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**I.A. 37592/2024 (under Order XXIII Rule 3 read with Section 151 CPC
filed on behalf of plaintiff and defendants)**

1. The present application has been filed jointly by the plaintiff, as well as, defendant no. 1 to 3 under Order XXIII Rule 3 read with Section 151 CPC praying for decree in the suit in terms of the Family Settlement dated 16.08.2024 (in short 'Family Settlement'), which is annexed to the present application.

2. All the suit properties have been mentioned in para 'B' of 'Recitals' in the Family Settlement. It is pointed that the defendant nos. 4 to 14 are performa parties and no relief against them has been sought. The said performa defendants have already given 'No Objection Certificates' with



regard to the property situated at W-121A, Greater Kailash, New Delhi-110048.

3. The reasons as to why the defendant nos. 4 to 14 were arrayed as defendants in the present suit is borne out from Clause (i) of Recital 'C' of the settlement which reads as under:-

*i) **Property No. 1:** The said Property was registered jointly in the name of Late Mr. Kailash Puniani, Mrs. Reena Puniani, Mrs. Janak Dulari and Mrs. Krishan Kaur Puniani each having 25% undivided, impartible ownership in the said property in their names.*

Subsequently, vide Registered Wills both dated 22.01.1980 [annexed herewith as Document — 1 (Colly)]. both Smt. Krishan Kaur Puniani and Mrs. Janak Dulari bequeathed their respectively claimed 25% undivided, impartible ownership each in the said property to Sh. Kailash Puniani & Mrs. Reena Puniani.

Smt. Krishan Kaur Puniani had also executed another Will dated 19.05.1987 [annexed herewith as Document-2]. Whereby she again bequeathed her share in the said property in equal halves in favour of Sh. Kailash Puniani & Mrs. Reena Puniani.

Thereby making Late Sh. Kailash Puniani & Smt. Reena Puniani as the absolute Owners in the said Property.

*Further all other legal heirs of Late Smt. Krishan Kaur i.e. Late Sh. Madan Lal Puniani, Late Sh. Mohan Lal Puniani, Late Sh. Om Puniani, Late Sit. Janak Dulari, Smt. Malika Kapoor and Sh. Ramesh Chander Puniani have all executed their respective **No Objection Certificates** [annexed herewith as Document-3] thereby agreeing that under the Will dated 19.05.1987 of Smt. Krishan Kaur Puniani the said property has vested solely and exclusively with Sh. Kailash Puniani & Mrs. Reena Puniani.*

(emphasis supplied)



4. To be noted that Smt. Reena Puniani is defendant no.1 and she is the mother of plaintiff and defendant nos. 2 and 3. Late Sh. Kailash Puniani was the father of plaintiff and defendant nos. 2 and 3. Property no.1 in the 'Recital' is the property bearing no. W-121 A, Greater Kailash, New Delhi-110048. The defendant nos. 4 to 14 are the legal heirs/representatives of individuals who were earlier having share in the said property, the entire title of which eventually vested in Late Sh. Kailash Puniani and his wife (defendant no.1) in the manner as stated in the 'Recital' which has been quoted in para no. 3 above.

5. It is submitted that right from inception of the suit, defendant nos. 4 to 14 have not been contesting the present suit. Defendant no. 5 who is present in Court also affirms that he has no objection in case the present suit is decreed in terms of the Family Settlement dated.

6. I have perused the Family Settlement dated 16.08.2024, the same is in writing and signed by the plaintiff, as well as, the defendant nos. 1 to 3 and also by the husband of the plaintiff. All the signatories to the said Family Settlement are present in Court and they affirm having entered into the said Family Settlement. They further state that they have no objection in case the present suit is decreed in terms of the Family Settlement dated 16.08.2024.

7. The application is also signed by the plaintiff, as well as, defendant nos. 1 to 3, as also by their respective counsels and the same is also supported by the affidavits of aforesaid parties.

8. A perusal of the Family Settlement dated 16.08.2024 shows that the same is lawful. Therefore, is no impediment in decreeing the suit in terms of the said settlement.

9. It is also a term of the Family Settlement that the defendant nos. 1 to 3



will hand over some original documents as enumerated in the Settlement to the plaintiff. The learned counsel for the said defendants submits that such documents will be handed over to the plaintiff during course of the day against proper receipt. The statement is taken on record.

10. In view of the above, the suit is decreed in terms of the Family Settlement dated 16.08.2024, which shall form part of the decree.

11. The application as well as the suit stand disposed of.

12. All other application(s), if any, are also disposed of.

VIKAS MAHAJAN, J

AUGUST 28, 2024

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