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

+ CS(OS) 252/2024 & I.A. 6816/2024 (*for injunction*)

ANURAG AGGARWAL

..... Plaintiff

Through: Mr. Jagjit Singh and Mr. Preet
Singh, Advocate.

versus

ARVIND AGGARWAL & ANR.

..... Defendants

Through: Mr. Harish Malhotra, Sr. Advocate
with Mr. Tarun Singla, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.03.2024

1. Issue summons. Mr. Tarun Singla, learned counsel, appears on advance notice and waives formal service of summons on behalf of the defendants.

2. During the course of hearing, learned counsel for the parties, instructed by plaintiff and defendant No. 1, who are both present in Court, have arrived at a consensus as to the disposal of the suit. Summons are therefore made returnable forthwith with the consent of learned counsel for the parties.

3. The plaintiff and defendant No. 1 are brothers. Defendant No. 2 is a Hindu Undivided Family ["HUF"] of which defendant No. 1 is the *karta*. Plaintiff and defendant No. 1 are the only coparceners of the HUF. The suit has been filed for reliefs in respect of two properties stated to be the joint properties of both the brothers namely *Flat No. 614, Ashoka*

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Estate, Barakhamba Road, New Delhi [“the Ashoka Estate property”] and *House No. A-193, New Friends Colony, New Delhi* [“the New Friends Colony property”].

4. This is the second round of litigation between the parties.

5. Defendant No. 1 had earlier filed a partition suit [CS(OS) 249/2017] against the plaintiff and the mother of the parties. That suit culminated in a Settlement Agreement dated 15.05.2019 on the basis of which the Court passed a decree on 27.05.2019. The terms of the Settlement Agreement are undisputed and both parties affirm that they wish to implement the agreement recorded in clause *xiv* of the Settlement Agreement.

6. It is agreed between the parties that with this objective, defendant No. 2/HUF stands dissolved as of today. The HUF is the owner of the Ashoka Estate property. The plaintiff and defendant No. 1 (who is the *karta* of the HUF) will take necessary steps for transfer of the Ashoka Estate property jointly into the names of the plaintiff and defendant No. 1, who each have 50% share therein. Plaintiff and defendant No.1 will apply to the builder within one week from today and take steps for implementation of this order expeditiously. Transfer charges, if any, payable to the builder will be shared equally between the plaintiff and defendant No. 1.

7. As far as the New Friends Colony property is concerned, it was in the joint names of the plaintiff and defendant No. 1 and their late mother. The mother had passed away on 04.01.2024 and learned counsel state that the plaintiff and defendant No. 1 are each entitled to 50% share in the New Friends Colony property. They intend to sell the said property



jointly and will be entitled to 50% each of the sale proceeds, after payment of expenses in the sale and liabilities of the property, if any.

8. The parties state that they will make an effort to sell the New Friends Colony property as early as possible and both the parties undertake that they will vacate the property as may be required in order to effectuate the sale, as mutually agreed. In the event a buyer is not found within a period of three months, the parties will vacate the parts of the premises which are in their respective possession upon the expiry of three months from today, and will remain in joint vacant possession of the entire house. Learned counsel for the parties state that the plaintiff and defendant No.1 will both have keys to the property.

9. In the event, the property is not sold within a period of five months from today, either of the parties may apply for execution of this decree.

10. The plaintiff and defendant No. 1 are present in Court and their statements have been separately recorded. They have undertaken to abide by the terms of the settlement and sought a decree in the suit in the said terms.

11. Having regard to the aforesaid, the suit is decreed in terms of the settlement recorded in paragraph Nos. 6 to 10 hereinabove.

12. Decree sheet be prepared accordingly.

13. The suit, alongwith the pending application, is disposed of in the aforesaid terms.

PRATEEK JALAN, J

MARCH 22, 2024/“Bhupi”/