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

+ **TEST.CAS. 43/2022 & I.A. 7152/2022**

SMT. KANCHAN RANI SHARMA & ANR.Petitioners

Through: **Mr. D.K. Rustagi, Mr. J Karan
Malhotra, Advocates**

versus

STATE GOVT.OF NCT DELHI & ORS.Respondents

Through: **Mr. Rohit Gupta, Advocate for R-2
and R-3
Mr. Vansh Luthra, Mr. Kapil Dutta,
Mr. Nitish Dubey, Advocates for R-4
and R-5**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

**ORDER
20.12.2024**

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1. The present petition was filed under Section 276 of the Indian Succession Act, 1925 seeking grant of letters of administration with respect to estate left behind by late Sh. Mangat Ram Sharma. The petition was filed relying upon the deceased's registered Will dated 04.10.2014.
2. Late Smt. Kanchan Rani Sharma, erstwhile Petitioner no. 1 who passed away on 28.01.2024 was the sole beneficiary under the said registered Will dated 04.10.2014 executed by late Sh. Mangat Ram Sharma. The factum of her death was brought on record and she has since been deleted from the array of parties, vide order dated 09.08.2024 passed by learned joint registrar (J).
3. The present Petitioner is Smt. Geeta Duggal and Respondent nos. 2 to

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5 are her siblings.

4. The estate which is the subject matter of this petition earlier belonged to the father of the parties late Shri Mangat Ram Sharma and had devolved upon their mother late Smt. Kanchan Rani Sharma.

5. The parties were referred to Delhi High Court Mediation and Conciliation Centre ['SAMADHAN'] by learned Joint Registrar (J) vide order dated 09.08.2024 and the mediation was presided over by Mr. Arjun Pant, Mediator.

6. The mediation between the parties has been successful, and the settlement agreement dated 04.10.2024, executed between the parties, has been received from the registry.

7. Learned counsel for the parties prays that the settlement agreement be accepted, the undertakings of the parties recorded therein be acknowledged by this Court, and TEST.CAS. 43/2022 be disposed of accordingly.

8. It is pertinent to mention that the Supreme Court, in **Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.**¹ while dealing with Section 89 of the CPC, observed that the settlement agreement must be placed before the Court for it to be recorded, thereby making the settlement effective between the parties.

9. Since this is a Testamentary Case, learned counsel for the parties agree that no decree can be passed in the present proceedings.

10. However, the learned counsel for the parties state that the parties hereby confirm to this Court that they accept the genuineness and the validity of the Will dated 04.10.2024 executed by late Shri Mangat Ram Sharma as well as Will dated 02.03.2023 executed by late Smt. Kanchan



Rani Sharma.

11. They states that the Will(s) have already been acted upon by the parties and the facts evidencing the implementation of the Will had been set out in the settlement agreement.

12. They state that there is only one outstanding obligation agreed upon between the parties which has to be performed in future and the same is encapsulated in Clause 5B of the settlement agreement. Learned counsel for the Petitioner states that the Petitioner undertakes to comply with the said obligation as per the terms recorded therein.

13. In addition, learned counsel for the Petitioner states that Petitioner remains bound by the 'No Objection' recorded in Clause 5A of this agreement, favour of the Respondents.

14. The learned counsel for the parties state that parties will remain bound by the undertakings recorded in the settlement agreement dated 04.10.2024 and request the Court to accept the said undertakings so as to bind them down to same. They state that the parties understand that if they default in complying with the undertakings, they will be liable for contempt of court.

15. This Court is satisfied that the agreement arrived between the parties is lawful. The said settlement agreement is taken on record.

16. The undertakings of the parties are accepted by this Court and the petition is disposed of in terms of the settlement agreement dated 04.10.2024.

17. Pending applications stands disposed of.

18. Interim orders, if any, stands vacated.

19. Mr. Rohit Gupta, Advocate states that he represents Respondent nos.

¹ 2010 8 SCC 24



2 and 3. He states that his vakalatnama on behalf of the Respondent no. 2 is already on record and he will file his vakalatnama on behalf of Respondent no. 3 within one (1) week.

20. Mr. Vansh Luthra, Advocate states that he represents Respondent no. 4 and 5 and his vakalatnama is already on record.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 20, 2024/mt/AKT

Click here to check corrigendum, if any