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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 351/2020, I.A. 10631/2020 & I.A. 31262/2024**
HEMANT JAINPlaintiff

Through: Mr. Yogesh Jain, P-(iv)(a)

versus

RADHEY SHYAM & ORS.Defendants
Through: Mr. Imran Ali, Adv. for defendants

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
24.10.2024

1. The learned counsel appearing on behalf of the defendants submits that the present suit for specific performance and permanent injunction was filed by the plaintiff/Hemant Jain who passed away during Covid. Accordingly, his wife, two children and mother were brought on record as his legal heirs.
2. He submits that the interest of the plaintiff devolved upon his above legal heirs. Subsequently, the mother of deceased plaintiff Hemant Jain also passed away and her interest devolved upon the following:
 - i. Yogesh Jain (brother of plaintiff)
 - ii. Tarun Jain (brother of plaintiff)
 - iii. Rajinder Kumar Jain (father of plaintiff)
 - iv. Aruna Jain (sister of plaintiff)
3. He submits that the matter was settled by the defendants with all the plaintiffs except Yogesh Jain, Rajinder Kumar Jain and Aruna Jain, who were



substituted as LRs of late mother of the plaintiff.

4. He submits that the defendants have now settled the matter even with Yogesh Jain, Rajinder Kumar Jain and Aruna Jain and they have been paid an amount of Rs. 2.50 Lakhs each towards full and final settlement of their claim. Mr. Yogesh Jain who is present in Court affirms that payment has been received by him, his father Rajinder Kumar Jain and his sister Aruna Jain to the extent of Rs. 2.50 Lakh each and accordingly they wish to withdraw the present suit.

5. In view of the above, the suit is dismissed as withdrawn. Since the suit has been withdrawn, the interim orders granted by this Court *vide* order dated 18.11.2020 also stands vacated. All other pending applications, if any, are also disposed of.

7. Needless to say, that the agreement to sell dated 23.09.2018 in favour of the plaintiff shall also cease to have effect.

VIKAS MAHAJAN, J

OCTOBER 24, 2024

N.S. ASWAL