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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 688/2023

SH AMRIT LAL RAHEJA

..... Plaintiff

Through: Mr. Vishal Raj Sehijpal, Advocate
(M: 9999229678).

versus

SH SHYAM SUNDER RAHEJA AND ORS

..... Defendants

Through: Mr. M. N. Siddiqui Advocate for D-
1 to 7 (M: 9810126707).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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08.04.2024

1. This hearing has been done through hybrid mode.

I.A. 7900/2024 (for permission) in CS(OS)-688/2023

2. The present suit for partition has been filed by Shri. Amrit Lal Raheja, against his siblings *i.e.*, Defendant Nos. 1, 2 and 7 and other family members *i.e.*, Defendant Nos. 3 to 6, the legal heirs of Late Sh. Manohar Lal, who was also one of the brothers of the Plaintiff, seeking partition of the following two properties:-

i) D- 81, Amar Colony, Lajpat Nagar-IV, New Delhi-110024 measuring 100 sq.yds. (Purchased by Plaintiff and Defendant Nos. 1 to 4)

ii) E-316, East of Kailash, New Delhi, measuring 125 sq.yds., (Purchased by father of Plaintiff and Defendant Nos. 1 & 2)

3. Parties are the family members of late Shri.Jetha Nand who had



expired in the year 1991. Parties to the present suit are as under:-

Plaintiff-

Sh. Amrit Lal Raheja - son

Defendants:-

Sh. Shyam Sunder Raheja -son

Sh. Baldev Raj Raheja- son

Smt. Kamla Devi -w/o Late Shri Manohar Lal

Sh.Rajeev Raheja- son of Late Shri Manohar Lal

Sh.Rajesh Raheja- son of Late Shri Manohar Lal

Smt. Rajni- daughter of Late Shri Manohar Lal

Smt. Sushma Virmani- sister

4. Defendant Nos. 3,4,5 and 6 are family members of late Shri. Manohar Lal, who is the deceased fourth brother and Mrs. Sushma Virmani, is the sister.

5. By the present application, the Court has been informed that the matter has been settled between the Plaintiff and the Defendants. Two separate registered deeds have been executed by the Plaintiff. The Plaintiff via a Release Deed dated 28th February, 2024, has released the claim over the property bearing no. D- 81, Amar Colony, Lajpat Nagar-IV, New Delhi- 110024 measuring 100 sq.yds. in favour of the Defendant Nos. 1 & 2.

6. With respect to the property bearing no.E-316, East of Kailash, New Delhi, the Plaintiff executed a Disclaimer cum Declaration Deed dated 28th February, 2024, renouncing their right, share and interest in the said property. The averments in the application are set out below:-



“3. That during pendency of the suit, matter has been settled between the plaintiff and relevant defendants and accordingly two separate registered deeds have been executed by the plaintiff in favour of relevant defendants with respect to the suit properties.

4. That it is submitted that in terms of the settlement, a Release Deed dated 28.2.2024 (registered on 7.3.2024) has been executed by the plaintiff whereby plaintiff has released his claim over the suit property i.e., D-81, Amar Colony, Lajpat Nagar-IV, New Delhi in favour of Defendant Nos. 1 and 2 namely Shri Shyam Sunder Raheja and Shri Baldev Raheja and accordingly plaintiff has handed over his proportional possession of the aforesaid property to Defendant Nos. 1 and 2. Copy of the said Release Deed has already been separately filed on record of this Hon’ble Court vide Diary No. E-1022455/2024.

5. That with respect to the other suit property bearing No. E-316, East of Kailash, New Delhi, the plaintiff along with his wife and daughters has executed a Disclaimer-cum-Declaration Deed dated 28.02.2024 (registered on 05.03.2024) vide which plaintiff has clearly declared that neither he nor his legal heirs including wife and children have any right, share, interest, title or claim over the said property and further acknowledged D-3 Smt. Kamla Devi to be the absolute owner of the same. Copy of the said Disclaimer-cum-Declaration Deed has already been separately filed on record of this Hon’ble Court.”

7. On behalf of Defendant No. 7, Mr. Siddiqui, Id. Counsel appears and submits, that a written statement on behalf of Defendant No. 2 has already been filed wherein Defendant No. 7 has not claimed any rights in either of the suit properties.

8. In view of the fact that the settlement has been arrived at between all the parties, the Plaintiff wishes to withdraw the present suit.



9. Plaintiff- Sh. Amrit Lal Raheja, with his daughter, is present in Court. Defendant No.1-Sh.Shyam Sunder Raheja, alongwith, Defendant Nos. 2-Sh. Baldev Raj Raheja, and Defendant No.5 -Sh. Rajesh Raheja, on behalf of Defendant Nos. 3 to 6, are also present in Court. All of them have confirmed that the disputes have been resolved.

10. Mr. Siddiqui, Id. Counsel submits that though the written statement has been filed, Defendant No. 7 did not participate in the mediation.

11. In view thereof, the suit is dismissed as withdrawn. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

APRIL 8, 2024

mr/ks