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

+ **CS(OS) 740/2022 & O.A. 74/2024**

MS. RITU JAJU

.....Plaintiff

Through: Plaintiff in person

versus

SMT. SARLA SARDA & ORS.

.....Defendants

Through: Mr. Abhishek Gupta, Advocate for D-1 & 2 (through VC)
D-2 in person
Mr. Nishant Anand and Ms. Gunjan Bansal, Advocates for D-3

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

01.08.2024

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1. The plaintiff and defendant no. 2 are present in person.
2. Learned counsel for defendant nos. 1 and 2 states that the present suit has been filed for the partition estate of late Sh. Keshav Sarda. He states that the plaintiff has amicably resolved all her claims raised in the present suit with defendant nos. 1 and 2. He states that plaintiff and defendant no. 2 are siblings and defendant no. 1 is their mother. Late Sh. Keshav Sarda was the father of plaintiff and defendant no. 2.
3. He states that the plaintiff and defendant no. 1 have executed relinquishment deeds in favour of defendant no. 2 herein with respect to the following immovable properties: -
 - i. First & Second floors in Property Bearing No. BQ-45, Shalimar Bagh, Delhi-110088;



ii. Property bearing no. 4875/24, Ansari Road, Daryaganj, Delhi.

4. He states that with the execution of the said registered relinquishment deeds defendant no. 2 is now the exclusive owner of the suit property at Shalimar Bagh and the suit property at Daryaganj with respect to the share owned by late Sh. Keshav Sarda in these two immovable properties.

5. Learned counsel for defendant nos. 1 and 2 states that he identifies the plaintiff who is present in Court. Defendant no. 2 has also identified the plaintiff. The identification documents of plaintiff has been handed over which are hereby taken on record.

6. The plaintiff who is present in Court has stated before this Court that she is satisfied with the settlement arrived at with her brother, defendant no. 2 and her mother, defendant no. 1 and she will remain bound by the documents executed by her in favour of defendant no. 2. She states that she seeks to unconditionally withdraw the present suit as all her claims with respect to the estate of late Sh. Keshav Sarda stands satisfied. The statement of the plaintiff is taken on record and she is bound down to the statement.

7. This suit is permitted to be withdrawn unconditionally. All pending applications and the chamber appeal stands disposed of.

8. Interim orders stand vacated.

Directions for filing documents

9. Learned counsel for defendant nos. 1 and 2 states that he will place on record copies of the duly executed two relinquishment deeds along with the identification documents of the plaintiff within one week.

Refund of Court Fees

10. The plaintiff who appears in person states that in view of the fact that she has amicably resolved this matter and the suit is still at the initial stage,



she prays for refund of the Court fee deposited with this suit. In view of Section 16 and Section 16A of the Court fee Act, 1870 and the judgment of the Supreme Court in *High Court of Madras vs. M.C. Subramaniam*¹, this Court is of the considered opinion that the prayer of the plaintiff seeking refund of Court fees ought to be allowed.

11. Accordingly, the registry is directed to issue a certificate of refund in the name of the plaintiff of the 100% Court fee within four weeks.

12. The plaintiff and defendant no. 2 are directed to affix their signatures on this order as an affirmation of their statement made before this Court. The counsel for the defendant no. 2 is directed to identify their signatures.

MANMEET PRITAM SINGH ARORA, J

AUGUST 1, 2024/msh/AKT/msh

Defendant No. 2

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Plaintiff

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Counsel for Defendant No. 2

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¹ (2021) 3 SCC 560.