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

+ **TEST.CAS. 53/2012**

RAJNI KUKREJA

..... Petitioner

Through: Mr. Rajat Aneja and Ms. Chandrika
Gupta, Advocates

versus

STATE

..... Respondent

Through: Ms. Pavitra Kaur, Adv. for R-1
Mr. Shubhranshu Padhi, Mr. Gaurav
Adusumalli and Mr. Pranav Giri,
Advocates for R-7 & 8

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

15.05.2024

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I.A.15011/2022(Under Order XXII Rule 4 read with Section 151 CPC)

1. The present application has been filed on behalf of the petitioner under Order XXII Rule 4 read with Section 151 CPC for substitution of Legal Heirs of the deceased Respondent No. 2 who had died on 18.04.2021.
2. She is survived by her two daughters namely Ms. Shivani Saxena and Ms. Shreya Saxena who have already been impleaded as Respondent No. 8 & 9.
3. The LR's of the deceased respondent No. 2 are already on record. Their names be taken up as the LR's of the deceased Respondent No. 2(i).
4. **Submissions heard.**
5. The respondent No. 8 & 9 being LR's of the deceased Respondent No.



2 are taken on record.

6. The application is accordingly disposed of.

I.A.15012/2022(under Section 5 of the Limitation Act)

7. The present application has been filed on behalf of the petitioner for condonation of delay of 98 days in filing the application under Order XXII Rule 4 CPC.

8. For the reasons stated therein, the application is allowed and the delay is condoned.

9. The application is accordingly disposed of.

I.A.15007/2022(under Order XXII Rule 4 CPC read with Section 151 CPC)

10. The present application has been filed on behalf of the plaintiff for bringing on record the LR's of deceased Respondent No. 3 Ms. Subhadra Anand.

11. It is submitted that the respondent No. 3 had died on 26.11.2021 and is survived by her husband Mr. Anand Kumar Verma and her 3 daughters namely Ms. Sharika Anand, Ms. Shibani Anand and Ms. Shaila Anand.

12. Learned counsel appearing on behalf of the proposed LR's submits that there is no objection if they are substituted as the LR's.

13. In view of the submissions made, the application is allowed and the 4 LR's of the deceased Respondent No. 3 be brought on record has Respondent No. 3(i to iv).

14. The application is accordingly disposed of.

I.A.11058/2024(under Order XXIII Rule 3 CPC)

15. The present application is a joint application filed by all the parties under Order XXIII Rule 3 CPC read with Section 151 CPC wherein it is



submitted that the parties have jointly entered into a Settlement dated 15.03.2024 in the Delhi high Court Mediation and Conciliation Centre and the parties have amicably settled all the disputes in respect of the Suit Properties and the Will of the deceased.

16. It is further submitted in the application that both the petitioner and the respondent No. 3 to 8 who had projected the respective Will have given up their rights based on the respective Will and have arrived at the Settlement in respect of the subject property including movable and immovable properties in the manner as detailed in the Settlement dated 15.03.2024.

17. All the parties are present through VC and they have endorsed that they have arrived at the Settlement dated 15.03.2024 without any coercion and state that they undertake to remain bound by the terms of the Settlement Agreement. They also state that they would fully coordinate in implementation of the terms of the Settlement including giving affidavits or the requisite documents to the various authorities as stated in the Settlement, for its effective execution.

18. It is further directed that the Banks and other agencies where the money is deposited would release the money in favour of the parties as already agreed in the Settlement, in accordance with law.

19. In view of the Settlement *inter se* the parties, the present Probate is permitted to be withdrawn.

20. The parties shall remain bound by their statements.

21. The date already fixed stands cancelled.

NEENA BANSAL KRISHNA, J

MAY 15, 2024/PT