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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 1439/2015

AMITESHWAR SINGH

..... Plaintiff

Through: Mr. Saurabh Seth, Ms. Neelam Deol
& Mr. Abhiroop Rathore, Advs. (M:
9811393402)

versus

KAMAL NAIN & ANR

..... Defendants

Through: Mr. Sanjay Khanna, Ms. Pragya
Bhushan, Mr. Karandeep Singh &
Mr. Tarandeep Singh, Advs. for D-1.
(M: 9899305640)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **22.04.2024**

1. This hearing has been done through hybrid mode.
2. This is a family dispute with respect to the property bearing no. 64 B, Sainik Farms, New Delhi, between three siblings, who are the children of Late Sh. Surinder Singh Choudhary and Late Smt. Punit Kaur. The names and details of the children are as under:
 - i) Sh. Amiteshwar Singh (son) - Plaintiff
 - ii) Smt. Kamal Nain (eldest daughter) - Defendant No.1
 - iii) Smt. Madhur Bain (second daughter) - Defendant No.2
3. There are a number of proceedings pending between the parties. However, in **CS (OS) 699/2023** titled **Mrs. Kamal Nain v. Mr. Amiteshwar Singh and Anr.**, the suit has been decreed as settled in the following terms:



"9. In this view of the matter, considering that the detailed Memorandum of Understanding is not forthcoming, but the settlement is in fact acceptable to all the parties, in order to bring a quietus to the entire dispute so that the parties can give effect to the settlement, the suit is being decreed as per the terms recorded in paragraph 8 and 9 of order dated 21st February, 2024.

10. Accordingly, the suit stands decreed in the following terms:

i) The Plaintiff and the Defendant no.2, are declared as 50% owner of the Sainik Farms property;

ii) The Plaintiff is declared as the owner of half of Flat No.805, Mohan Dev Apartments, Tolstoy Marg, New Delhi;

iii) The Plaintiff withdraws all her claims towards the Ground Floor of the property bearing no. S-37, Greater Kailash-I, New Delhi, subject to the above and receipt of compensation of Rs. 1 crore, as has been agreed between the parties;

iv) Parties are agreeable that the property in Sainik Farms is put for sale and from the said sale consideration, the Plaintiff shall receive a sum of Rs.1 crore extra than the Defendant No.2 as compensation as stated above. [Example: If the property is sold for a sum of Rs.14 crores, the Plaintiff would be entitled to Rs.8 crores and the Defendant No.2 would get Rs.6 crores];

v) The possession of Flat No.805 shall be handed over to the Plaintiff within two weeks;

vi) The Plaintiff is entitled to seek withdrawal of



the money lying deposited in the Trial Court in suit no. CS 627/2022 titled Kamal Nain v. ONGC & Ors. by M/s ONGC who was a tenant in Flat No.805 along with any interest that has accrued thereupon.

11. This shall be a full and final settlement between all three siblings insofar as the estate of both parents are concerned.

12. Insofar as the sale of the property being 64- B, Sainik Farms, New Delhi (hereinafter referred as 'Sainik Farms property') is concerned, both the sisters agree that they would coordinate with the Local Commissioner for the sale of the said property. The sale deed/documents are stated to have been handed over to the Local Commissioner. The brother also agrees to cooperate in the sale of the said property. Upon the same being effected, the amounts in terms of the settlement would be paid to each of the parties.

13. The Plaintiff and Defendant No.2 are free to engage any security agency in order to secure the Sainik Farms property. The expenses shall be borne by the Plaintiff and Defendant No.2 equally.”-

4. In terms of the settlement recorded on 20th March, 2024 in **CS(OS)699/2023**, the disputes arising in the present suit have also been resolved. Accordingly, the present suit is dismissed as withdrawn in view of the settlement.

5. Mr. Saurabh Seth, Id. Counsel points out that a suit **CS DJ No.826/2017** titled **Smt. Kamal Nain v. Anil Jain & Anr.** before the ADJ, South District, Saket Courts, New Delhi has not been withdrawn by the Defendant No.1 Mr. Kamal Nain. It is made clear that on the next date of hearing, in view of the settlement dated 20th March, 2024, the said



proceedings shall also be closed. It is also directed that the Plaintiff in this suit, being the brother, who is in real estate business, as agreed in the settlement, shall assist actively both the sisters, to find a proposed buyer.

6. All pending applications are also disposed of.

PRATHIBA M. SINGH, J

APRIL 22, 2024/dk/ks