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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2865/2015 & I.A. 10896/2016, 15021/2018 & 425/2021**
MALVIKA VOHRA AND ANR

.....Plaintiffs

Through: Mr.Amit Bhagat & Ms.Arzo
Raj, Advs.
Ms.Malvika Vohra and Mr.
Sushobhan Luthra, appearing
through VC.

versus

KIRAN LUTHRA

.....Defendant

Through: Mr.Arun Vohra, Adv. along
with the defendant.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
11.07.2024

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1. The parties have entered into an amicable settlement. The statement of Ms. Kiran Luthra, the defendant, has been recorded separately.
2. The plaintiffs are appearing virtually and have been identified by the counsel for the plaintiffs. They submit that based on the above statement of the defendant, as far as the Probate petition, that is, Test Case No. 95/2015, which seeks grant of probate of the Will dated 31.05.2013, left behind by their father late Maj. Gen. S.N. Luthra, they have no objection to the grant of the probate of the said Will. However, they make it clear that the properties, that are, a 1/3rd share in the property bearing No. 151, Golf Links, New Delhi-110003, and



property bearing no. D-104, Som Vihar Apartment, R.K. Puram, New Delhi-110022, did not belong to the Testator as they had already been gifted to them vide Gift Deeds dated 19.11.2003. The other bequeath under that Will is acceptable to them.

3. Ms. Kiran Luthra, who appears in person, does not oppose the above statement and agrees to the same.

4. Ms. Malvika Vohra further submits that the locker in the name of late Maj. Gen. S.N. Luthra and Ms. Malvika Vohra, in Canara Bank, South Block Branch, shall either be closed or instructions shall be issued to the bank that the rent for the said locker shall be borne solely by Ms. Malvika Vohra and shall no longer be deducted from the pension account of late Maj. Gen. S.N. Luthra. They submit that instructions in this regard shall be issued to the bank on or before 09.08.2024.

5. They further submit that as far as the claim of mesne profits is concerned, they waive that claim against the defendant.

6. In view of the above statement of the parties and binding them to the same, the suit is decreed in terms of prayer (i) and prayer (ii).

7. Let a Decree-Sheet be drawn accordingly.

8. Accordingly, the suit and the pending applications are disposed of in the above terms.

NAVIN CHAWLA, J

JULY 11, 2024/rv

Click here to check corrigendum, if any