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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 16/2020
SITA KASHYAP & ANRAppellants

Through: Mr. Praveen Kumar and Mr. Suman
Raj, Advocates.

versus

HARBANS KASHYAP & ORSRespondents
Through: Mr. Ashish Kapur with Ms. Chhavi
Luthra, Advocates for R-1 alongwith
legal representatives of R-1.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

08.12.2025

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Learned counsel for the parties submit, that the parties have resolved their *inter-se* disputes amicably *vide* Memorandum of Record of Oral Family Settlement dated 15/16.11.2025.

2. However counsel submit, that after having signed the settlement, respondent No.1 – Mr. Harbans Kashyap passed-away on 04.12.2025; and an application to bring on record his legal representatives ('LRs') has been filed with the Registry, which however is not before the court today.
3. Counsel have handed-up a signed copy of application dated 05.12.2025 seeking to bring on record the LR's of deceased respondent No. 1. Considering that the matter is at the point of disposal, the application is taken on record.
4. The Registry is directed to number the application.



CM APPL. _____/2025 (To be numbered)

5. By way of the present application, the appellants seek to substitute the LRs of deceased respondent No.1 – Mr. Harbans Kashyap, who is stated to have passed-away on 04.12.2025.
6. Amended Memo of Parties is appended to the application.
7. Issue notice.
8. Learned counsel is present on behalf of the respondents; accepts notice; and does not oppose the prayer made in the application.
9. The application is accordingly allowed.
10. The LRs of respondent No.1 – Harbans Kashyap, being respondent No.1 (a), (b) and (c) in the Amended Memo of Parties, are substituted in place of the deceased respondent No. 1.
11. Mr. Ashish Kapur, learned counsel who is appearing for the other respondents submits, that he has also filed a *vakalatnama* on behalf of the LRs of respondent No.1. However, the *vakalatnama* is not on record.
12. A duly signed copy of the *vakalatnama* is handed-up in court. The same is taken on record.

CM APPL. 77182/2025

13. By way of the present joint application filed under Order XXIII Rule 3 of the Code of Civil Procedure 1908, the parties seek disposal of the appeal in terms of Memorandum of Record of Oral Family Settlement dated 15/16.11.2025 signed between them, whereby they have resolved their *inter-se* disputes that were subject matter of the present appeal.
14. A copy of the settlement is appended to the application.



15. It is noticed that the memorandum and the application have been signed by Ms. Benu Puri, who is the legal representative of deceased appellant No. 1 and of deceased appellant No. 2, and also holds Power of Attorney dated 23.12.2004 of appellant No.2B Anuj Kanwar Puri. The memorandum and application have also been signed by respondent No. 1 - Harbans Kashyap.
16. Furthermore, from the record, it is seen that the LRs of deceased respondent No. 3 – Ruchi Kashyap - stand substituted in the matter *vide* order dated 11.01.2024; and the LRs of respondent No.2 – Usha Kashyap - have also been substituted *vide* order dated 05.12.2025. The LRs of respondent No.1 – Harbans Kashyap have been impleaded by today's order.
17. Ms. Benu Puri, who is the legal representative of appellant No.1 – Sita Kashyap and of appellant No.2 – Leela Puri; and also holds Power of Attorney dated 23.12.2004 from appellant No.2B Anuj Kanwar Puri is present in court.
18. The LRs of Harbans Kashyap – Mrs. Shashi Kashyap, Mrs. Bhavna Maini and Mr. Vikas Kashyap are also present in court.
19. Accordingly, all contesting parties are present in court.
20. The court has interacted with them. The parties have confirmed that they have resolved their disputes on the terms contained in the settlement; and they agree and undertake to bound by the terms of the settlement.
21. Mr. Praveen Kumar, learned counsel for the appellants submits, that in view of the circumstances obtaining in the matter, *vide* order dated 08.05.2025, this court had directed that since upon the demise of Ms.



Usha Kashyap, there was no occupant in the suit property, the keys of the suit property were to be retained by the S.H.O., P.S.: Shidipura, Karol Bagh, Delhi until further orders of the court.

22. Mr. Kumar and Mr. Kapur accordingly submit, that the appeal be disposed-of by modifying the decree in terms of the settlement arrived-at between the parties; and the S.H.O., PS : Shidipura be also directed to hand-over the keys of the suit property to Ms. Benu Puri and Ms. Benu Puri be directed to give a duplicate set of the keys to Mr. Vikas Kashyap.
23. The court has gone through the settlement, which appears to be fair and legal. Besides, being a family settlement, this court must ascribe credibility to it. The terms of the settlement are taken on record.
24. Accordingly, the present application is allowed.
25. Application stands disposed-of.

RFA 16/2020

26. In view of the order passed above, the present appeal is disposed-of with the following directions:
 - 26.1. Impugned judgment and decree dated 25.07.2019 is modified in the terms contained in Memorandum of Record of Oral Family Settlement dated 15/16.11.2025 signed between the parties. The parties are directed to remain bound by the terms thereof and to take requisite steps as may be required in the terms of the settlement. A fresh decree-sheet be drawn-up accordingly.
 - 26.2. The S.H.O., P.S.: Shidipura, Karol Bagh, New Delhi is directed to deliver the keys of property bearing No. 5A, Guru Gobind Singh Marg (New Rohtak Road), Karol Bagh, New Delhi to Ms.



Benu Puri, within 02 weeks; with a further direction to Ms. Benu Puri to make and give a duplicate set of those keys to Mr. Vikas Kashyap, within 01 week thereafter.

27. The appeal is disposed-of in the above terms.
28. Pending applications, if any, also stand disposed-of.
29. The date of 26.02.2026 given earlier, stands cancelled.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 8, 2025

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