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

+ **CS(OS) 273/2017**

**SH. SHIEKH ANWAR ELAHI**

.....Plaintiff

Through: Mr. Aditya Singh and Mr. Prateek  
Bhardwaj, Advocates.

versus

**SH. MOHD. NOWSHAH & ORS**

.....Defendants

Through: Ms. Gurkamal Hora Arora and Mr.  
Kushal Gupta, Advocates for D-1.  
Mr. Sumant Narang, Advocate for D-2.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

% **14.05.2025**

**I.A. 38543/2024**

1. This application is filed on behalf of the Plaintiff for impleadment of legal heirs of deceased Defendant No.1.
2. Learned counsels for the non-applicants have no objection to the application being allowed.
3. Accordingly, this application is allowed and disposed of impleading legal heirs of deceased Defendant No.1 as mentioned in paragraph 10 of the application as Defendants No.1(a), 1(b), 1(c) and 1(d)(i), (d)(ii) and (d)(iii).
4. Amended memo of parties is taken on record.

**I.A. 12233/2025**

5. This is an application filed on behalf of the parties under Order XXIII Rule 3 read with Section 151 CPC to record the settlement between the parties and disposal of the suit in terms thereof.



6. Present suit was filed by the Plaintiff against the Defendants for partition of property bearing No.A-48, Mohan Cooperative Industrial Area, Badarpur, Mathura Road, New Delhi, ad measuring 1932.44 sq. yards. During the pendency of the suit, Defendant No.1 expired on 07.08.2024 due to old age and ill health and Plaintiff filed the above application to implead his legal heirs. In the meantime, Plaintiff, Defendant No.2 and legal heirs of deceased Defendant No.1 and Defendant No.3 amicably resolved their *inter se* disputes and Memorandum of Settlement was executed and signed between them on 02.02.2025, copy of which has been placed on record.

7. Court has perused the terms of settlement and finds the same to be lawful.

8. Accordingly, this application is allowed and disposed of recording the settlement between the parties.

**I.A. 12232/2025**

9. This is a joint application preferred on behalf of the Plaintiff and Defendants under Order XIII Rule 9 read with Section 151 CPC for return of the original documents filed by Defendants No. 1 and 3 in this Court on 17.02.2018 i.e. Original Lease Deed dated 20.01.1995 between Shri Hem Chand and Unibros Pvt Ltd; Original Sale Agreement dated nil January, 1995 between Shri Hem Chand, Shri Mohd Nowshah and Shri Anwar Elahi; and Original receipt and Original General Power of Attorney executed by Shri Hem Chand in favour of Shri Mohd. Nowshah dated nil January, 1995, in terms of the Memorandum Recording Oral Family Settlement dated 02.02.2025.

10. For the reasons stated in the application, the same is allowed and disposed of.



11. Registry is directed to return the original documents, as aforementioned, to the Plaintiff, for which purpose the matter will be listed before the learned Joint Registrar on 01.07.2025 for verification and other modalities. Photocopies of the documents shall be retained on record.

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12. Suit is decreed in terms of settlement agreement, which shall form part of the decree and terms whereof shall bind the parties thereto.

13. Registry is directed to draw up the decree sheet.

14. Suit is disposed of.

15. Date of 29.07.2025 stands cancelled.

**JYOTI SINGH, J**

**MAY 14, 2025/shivam**