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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 1854/2014

HARPREET KAUR Plaintiff
Through: Mr.Y.R.Sharma, Advocate

versus
SURINDER SINGH & ORS Defendants
Through: Mr.Sudhir Kumar, Advocate for
Defendants No. 2 and 3.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **21.07.2016**

IA No.25635/2015 (under Order XXIII Rule 3 CPC)

1. The present application has been filed by the plaintiff stating, *inter alia*, that during the pendency of the suit proceedings, she has been able to negotiate a settlement with her siblings, i.e., defendants No. 2 and 3 in respect of the properties, partition whereof has been prayed for in the suit.

2. Learned counsel for the plaintiff and the defendants No.2 and 3 jointly state that two properties, subject matter of the present suit, bearing No. T-22, Plot No.4, Gaushalla Marg, Ratan Nagar, New Rohtak Road, New Delhi-110005 and the roof of the second floor of property bearing No. 8586, Khanna Building, Tibbia College, New Rohtak Road, Karol Bagh, New Delhi-110005, were owned by Sh. Surinder Singh (father of the parties). Smt. Anup Kaur, wife of Sh.Surinder Singh and the mother of the plaintiff and defendants No.2 and 3 had expired intestate on 25th November, 2013. Sh. Surinder Singh (defendant No.1) had expired on 29th March, 2015. The parties have now agreed that the plaintiff and defendants No.2 and 3, the
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surviving legal heirs would be entitled to one-third share each in the two suit premises. The mode and manner of partitioning the suit premises has been set out in the Settlement Deed dated 5.10.2015 and a copy thereof has been enclosed with the present application and is marked as EX-A. A copy of the Relinquishment deed executed by the defendant No.2 on 22nd September, 2015 in favour of his sisters, i.e., the plaintiff and the defendant No.3 has also been enclosed with the present application and is marked as EX-B.

3. Learned counsels for the parties state that the present suit may be decreed in accordance with the terms and conditions of the settlement recorded in the Settlement Deed dated 5.10.2015.

4. The Court has pursued the present application. Though the application has not been signed by the defendants No. 2 and 3, however, it is supported by the affidavits of the plaintiff and the defendants No. 2 and 3. Counsel appearing for the defendants No. 2 and 3 also affirms the fact that the parties have arrived at a settlement as recorded in the Settlement Deed dated 5th October, 2015 and thereafter, nothing survives for adjudication in the present suit.

5. Accordingly, the application is allowed and disposed of. The suit is decreed in terms of the Settlement Deed dated 5th October, 2015, leaving the parties to bear their own expenses.

6. The suit is disposed of.

HIMA KOHLI, J

JULY 21, 2016/sv

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