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Pooja Gosain vs.sunil Gosain

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Court : Delhi

Decided On : Nov-07-2016

Appellant : Pooja Gosain

Respondent : Sunil Gosain

Judgement :

$~16 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 861/2015 POOJA GOSAIN ..... Plaintiff Through Mr. J.C. Mahindro, Advocate versus CORAM: SUNIL GOSAIN ..... Defendant Through Mr. Aseem Malhotra, Advocate HON'BLE MR. JUSTICE G.S.SISTANI Plaintiff has filed the present suit for declaration with consequential relief

ORDER
0711.2016 % of perpetual injunction and rendition of accounts. The parties to the present suit are sister and brother. The plaintiff claims declaration as she is entitled to 50% share each of the deceased parents assets, which include: (i) Property bearing No.23, Road No.64, West Punjabi Bagh, New Delhi; and (ii) Tenancy rights of Shop No.6-A, East Avenue Market, East Punjabi Bagh, New Delhi. The matter was passed over once when the parties were directed to remain present in Court. The parties are present along with their counsel. The matter was passed over again to enable the parties to confer with their counsel and explore the possibility of an amicable settlement. The parties have arrived at an amicable settlement on the following agreed terms: (i) The plaintiff would be entitled to 37.5% share in the property bearing No.23, Road No.64, West Punjabi Bagh, New

Delhi; (ii) Additionally, the defendant will clear all the instalment of vehicle Nissan Sunny (White) bearing No.HR-05-AF-5665. The instalment would be cleared within two months from today. The car would be transferred in the name of the plaintiff. The original documents will be handed over by the counsel for the plaintiff to the counsel for the defendant. The documents will be held by the counsel in trust and after the necessary endorsement is carried out, the original Registration Certificate will be handed over by the counsel for the defendant to the counsel for the plaintiff; (iii) It is also agreed that the property will be sold by mutual negotiations within six months from today and the sale proceeds will be divided in the ratio of 37.5% to the plaintiff and 62.5% to the defendant. (iv) Parties also agree that if the property is not sold within six months from today, either of the parties will approach this Court by moving an Execution Petition. (v) Additionally, the plaintiff submits that Aadhar Card and other certificates/documents which are lying in the premise shall be returned to the plaintiff. Defendant submits that he is not aware of the same and in case any articles/goods are available in the premise, the same shall be returned to the plaintiff within two weeks from today. The present suit is decreed accordingly. The parties will sign this order in token of their acceptance. NOVEMBER07 2016 pst G.S.SISTANI, J

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