

Shaleen Jain vs.rishabh Kumar Jain and Others

Shaleen Jain vs.rishabh Kumar Jain and Others

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Court : Delhi

Decided On : Mar-20-2018

Appellant : Shaleen Jain

Respondent : Rishabh Kumar Jain and Others

Judgement :

\$~7 * + IN THE HIGH COURT OF DELHI AT NEW DELHI CS(OS) 291/2015 & I.A.Nos.2320/2015, 10659/2015, 10957/2015 SHALEEN JAIN Plaintiff Through Ms.Ritu Gupta with Mr.Aman Rastogi, Advocates with plaintiff in person. versus RISHABH KUMAR JAIN AND OTHERS Defendants Through Mr.Puneet Taneja, Advocate for D-1 with D-1 in person. Mr.Ashish Sharma, Advocate for D-2 & 3 with D-2 & 3 in person. Mr.Sunil K.Chaudhary with Mr.Rahul Chaudhary, Advocates for D-5 & 6 with D-5 & 6 in person. Ms.Sadhna Jain, D-7 in person. Mr.Sidharth Jain, D-8 in person. Date of Decision:

20. h March, 2018 % CORAM: HON'BLE MR. JUSTICE MANMOHAN

JUDGMENT

MANMOHAN, J: (Oral) 1. In pursuance to the last order, the plaintiff as well as defendant nos.1, 5, 6, 7 & 8 are personally present in Court.

2. After some discussions, learned counsel for the plaintiff and defendant nos.1, 5, 6, 7 & 8 pray that a final decree of partition be passed CS(OS) 291/2015 Page 1 of 3 defining the share of the parties in property bearing No.C-408, Yojana Vihar,

Delhi, as under:-

"Sr.No.Party Share 1.

2. 3.

4. 5.

6. Plaintiff 20% Defendant No.1 14% Defendant No.5 23% Defendant No.6 23% Defendant No.7 0% Defendant No.8 20% 3. Learned counsel for the plaintiff and defendant nos.1, 5, 6 & 8 also state that they shall divide the movable properties of the deceased Sh.Raj Kumar Jain in accordance with Clause (6) of his Will registered on 03rd October, 2012.

4. At this stage, learned counsel for defendant nos.2 to 4 (builders) state that they are willing to relinquish all their rights, interest and title in the property bearing No.C-408, Yojana Vihar, Delhi and return the possession of the same to the plaintiff as well as defendant nos.1, 5, 6 & 8 provided the defendant nos. 2 to 4 are paid a sum of Rs.45 lakhs.

5. Learned counsel for the plaintiff and defendant nos.1, 5, 6 & 8 assure and undertake to this Court that a sum of Rs.45 lakhs shall be paid to defendant nos.2 to 4 (builders) in proportion of their share in property No.C- 408, Yojana Vihar, Delhi within a period of six months. CS(OS) 291/2015 Page 2 of 3 6. Learned counsel for defendant nos.2 to 4, on instructions of defendant nos.2 & 3, who are personally present in Court, assure and undertake to this Court they shall cooperate in the sale of property No.C-408, Yojana Vihar, Delhi and would hand over the possession of the said property to either plaintiff, defendant nos.1, 5, 6 & 8 or their nominee, without demur, upon receipt of Rs.45 lakhs.

7. The statements and undertakings given by the counsel as well as by the parties are accepted by this Court and the parties are held bound by the same. With consent of the parties, the present suit is decreed in the aforesaid terms. Registry is directed to prepare a decree sheet.

8. As a token of acceptance of todays order, the parties as well as their counsel are directed to sign the order sheet. MARCH20 2018 KA MANMOHAN, J CS(OS) 291/2015 Page 3 of 3

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