

M DJ No. 61056/16
K K Jain Vs Shakuntala

21.10.2024

Present: Sh Vijay Prakash Ld Counsel for plaintiff/applicant a/w plaintiff in person.

Sh Sunil Kumar Jain has entered appearance pursuant to the issuance of court notice. His statement to the effect that the suit property stands partitioned in terms of the preliminary decree is recorded and who also submits that he has no objection in case a final decree is passed in terms of the preliminary decree. However the only party left is Smt Suman Gupta and she has not entered appearance before the court for getting her statement recorded.

It is submitted on behalf of the parties that Smt Suman Gupta is residing out of station. Let Smt Suman Gupta remain present through VC.

The parties whose statement has been recorded except Smt Suman Gupta have all submitted that the suit property stands partitioned by way of metes and bounds in terms of the preliminary decree and also that the preliminary decree and the compromises entered into between the parties has been given full effect and now none of the parties are left any dispute or difference amongst each other.

It is submitted by the plaintiff present in the court that after the date of the preliminary decree as well as the date of the compromise certain share in the suit property was allocated to the mother i.e. Smt Shakuntala Devi Jain who has since expired in the year 2021. It is further submitted that Smt Shakuntala Devi Jain had left a Will thereby bequeathing her share received by her as per the compromise effected between the parties in favour of Sh Sunil Kumar Jain and Smt Suman Gupta and also that Sh Sunil Kumar Jain and Smt Suman Gupta are in possession of the share bequeathed by their mother in their favour.

Accordingly, it is submitted that now no dispute and difference remains to be adjudicated by the court and that the final decree in terms of the compromise effected

between the parties and consequent upon the passing of the preliminary decree a final decree be passed.

Let Smt Suman Gupta appear through VC thereby confirming the aforesaid position.

Separate statement of Sh Sunil Kumar Jain is recorded to this effect.

Re-notify the matter for appearance of Smt Suman Gupta for the NDOH.

List on **05.11.2024**.

(Sachin Sood)
DJ-01 (Central)
THC, Delhi/21.10.2024