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

+ CS(OS) 435/2021

SMT RAJNI GROVER

.....Plaintiff

Through: Ms. Himali Gandhi, Adv. (through
v/c)

versus

SMT. SUMAN GROVER & ANR.

.....Defendants

Through: Ms. Mallika Agarwal and Mr.
Shivshankar, Advs. for D-1.
Mr. Achin Mittal and Mr. Prince
Kumar, Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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21.07.2026

IA No.18809/2026 (joint application under Order XXIII R 3 for recording partial settlement / compromise and for modification of order dated 14.09.2021)

1. This is a joint application under Order XXIII Rule 3 CPC for recording a partial settlement / compromise arrived at between the parties and seeking that the order dated 14.09.2021 be kept in abeyance to the limited extent of permitting the parties to jointly negotiate, enter into Agreement to Sell, and execute necessary transfer documents in respect of Villa No. 168, Baikunth Housing Society, Pushpanjali, Phase-I, Vrindavan, Uttar Pradesh.

2. In the instant suit, a preliminary decree was passed *vide* order dated 16.01.2024, recognizing the parties 1/3rd undivided share in certain properties.



3. Thereafter, *vide* order dated 24.04.2025, a Local Commissioner came to be appointed *qua* auction of one of the suit properties viz. A-133, Assam Timber Market, Swarn Park, Mundka, New Delhi.
4. While the said auction proceedings for Mundka property are ongoing independently, the present application has been filed by the parties stating that they have agreed to sell the Vrindavan property to a prospective buyer and share the sale proceeds.
5. It is submitted that the subsisting status quo granted *vide* order dated 14.09.2021, operates an embargo in this regard.
6. The application specifically avers as under:
“8. That the parties are ad idem and have no objection if the order dated 14.09.2021 is modified to the limited extent of permitting the parties jointly to negotiate, enter into Agreement to Sell, receive earnest money/advance consideration and thereafter execute requisite sale documents in respect of the said Vrindavan Property.”
7. In view of the aforesaid agreement / understanding between the parties, the present application is allowed.
8. Accordingly, the parties are permitted to act in terms of the settlement / understanding, as set out in the present application and dispose of the Vrindavan property. Further, it is clarified that the order dated 14.09.2021 shall not act as an impediment in this regard.
9. Copies of the necessary sale / transfer document in respect of the property in Vrindavan viz. Villa No. 168, Baikunth Housing Society, Pushpanjali, Phase-I, Vrindavan, Uttar Pradesh, shall be placed on record.
10. The application is allowed in the above terms.

SACHIN DATTA, J

JULY 21, 2026/cl