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

+ **CS(OS) 2424/2010**

JAI RATTAN BHALLA AND ANOTHER Plaintiffs

Represented by: Mr. Rajat Navet and Mr.
Kushagara Pandit, Advocates.

versus

PURI INVESTMENTS AND OTHERS Defendants

Represented by: Mr. Jeevesh Nagrath, Advocate
for defendants

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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28.07.2017

I.A. No. 8528/2017 (under Order XXIII Rule 3 CPC by parties)

1. By this joint application filed by the plaintiff No. 2 and defendants No. 1 to 6, they seek a preliminary decree in terms of the settlement arrived at between the parties.

2. Learned counsel for the plaintiff No. 2 and defendants No. 1 to 6 submit that the plaintiff No. 1 has since passed away. Present suit relates to the property bearing No. E-6 and E-7, Connaught Place, New Delhi 110001, known as Saraswati Bhawan, admeasuring about 10844.96 sq. ft. (in short 'the suit property') which was acquired by defendant No. 1 M/s Puri Investments, a collective group and conveyance deed was executed in the name of the co-owners. The plaintiff Nos. 1 and 2 were the joint owners of 13/60th shares in the suit property and in the eventuality of the death of plaintiff No. 1, the rights of plaintiff No. 1 in the suit property devolved on

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the plaintiff No.2.

3. Learned counsel for the sole surviving plaintiff seeks two days' time to file an amended memo of parties deleting plaintiff No. 1 from array of parties as plaintiff No. 2 has stepped into the shoes of plaintiff No.1, which fact is not disputed by learned counsel for the defendants. Amended memo of parties be filed during the course of the day.

4. The present joint application is duly signed by plaintiff No. 2 Mr. Amit J. Bhalla, on behalf of defendant No. 1, defendant No. 2 & defendant No. 6 have signed and defendant Nos. 2, 4, 5 and 6 have individually also signed the application. The application is duly supported by the affidavit of plaintiff No. 2, defendant No. 2 attorney holder of defendant Nos. 5 and 6 and in respect of defendant Nos. 3 and 4 their duly notarised affidavits have been filed along with the application wherein they have affirmed the content of application under Order XXIII Rule 3 CPC.

5. By the present application the parties have settled the prayer (d) in the suit and Plaintiff has given up prayer (b) in the suit.

6. Present application is disposed of, passing a preliminary decree in terms of the settlement arrived at between the parties which is incorporated in Para 2 of the application.

7. Preliminary decree will incorporate the contents of para-2 of the application.

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1. Learned counsels for the parties state that two valuers, that is, J.L.L (Jones Lang Lassallee), Level-16 , Tower C Epitome Building No. 5, Cyber City, Phase-3, Gurgaon and S.C. Bhargava & Associates, Architects, Enggs,

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Planners, J-1/8, Krishan Nagar Delhi-110051, have been identified by the plaintiff and defendants respectively who would come to their independent assessment for the valuation of property and the parties will in the meantime explore the possibility of a settlement in respect to the other prayers pending in the suit.

2. List the suit on 25th August, 2017, the date already fixed.

MUKTA GUPTA, J.

JULY 28, 2017
‘yo’

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