

56

| Sr. No. | Date | Orders |
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%09-07-2003

Present : Mr.V.K.Makhija, Sr.Advocate with Mr.Akshay Makhija for the plaintiff along with plaintiff in person.  
Mr.A.S.Chandhiok, Sr.Advocate with Mr.Shyam Sharma and Mr.Manish Kohli for defendants Nos.2(a) to 2(c) along with defendant No.2(a) in person.  
Mr.S.K.Bhaduri for defendants Nos.3 and 4 along with defendants Nos.3 and 4 in person.

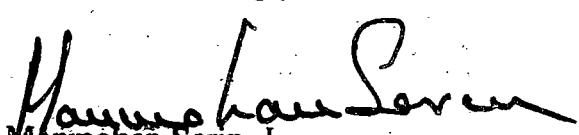
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+IA 6931/03 in S.2391/93

This is an application moved by defendant No.2(a), who happens to be the mother and natural guardian of defendants Nos.2(b) and (.c). Permission is sought by defendant No.2(a) to compromise the present suit on behalf of the minor children Ms.Mehar Kohli and Master Sumer Kohli with the plaintiff and other defendants. The present suit is a suit for partition, which is being compromised between the parties. The plaintiff and defendants Nos.3 & 4 happen to be three sisters, who are being given a sum of Rs.10 lacs each in terms of settlement and as a result of the said payment, the plaintiff and defendants Nos.3 & 4 are not claiming any share in the suit property. It is stated before me that defendant No.1 and family of the deceased brother Mandeep Singh Kohli, namely Smt.Tejinder Kohli, defendant No.2(a) and the minors Ms.Mehar Kohli and Master Sumer Kohli are left as the absolute owners of the property. With a view to protect the interests of the said minors, defendant No.2(a) had deposited a sum of Rs.10 lacs with UTI Bank Limited, Lajpat Nagar, New Delhi. Learned Senior Counsel Mr.A.S.Chandhiok, on instructions from Mrs.Tejinder Kohli, submits that with a view to further protect the interests of the minors, an additional sum of Rs.14 lacs making it a

Signature Not Verified  
Digitally Signed  
By AMULYA

57

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|         |      | <p>total of Rs.24 lacs shall be deposited with the UTI Bank, Lajpat Nagar and the said amount shall be retained in fixed deposit till majority of defendants Nos.2(b) and 2(c). By deposit of the additional amount, in my view, interests of the two minors are sufficiently protected. Even otherwise, defendant No.2(a) being the mother and natural guardian has no interests adverse to that of minors.</p> <p>The application is allowed subject to defendant No.2(a) filing a photocopy of the fixed deposit receipt of Rs.12 lacs each in the name of two minors Ms.Mehar Kohli and Master Sumer Kohli.</p> <p><u>S.2391/93 &amp; IA 6930/03</u></p> <p>Statements of the parties have been separately recorded. The compromise application, Exhibit C1 is signed by the parties and their respective counsel. The plaintiff and defendants Nos.3 &amp; 4 have received a sum of Rs.10 lacs each in terms of the settlement and do not claim any interest or share in the suit property. The parties shall be bound by the terms of the settlement, as recorded in Exhibit C1. Defendant No.2(a) has entered into a settlement on behalf of herself and her two minor children. A sum of Rs.24 lacs has been directed to be kept for the minors in fixed deposit till their majority. The suit is decreed in terms of Exhibit C1. The mere factum of the suit being decreed in terms of Exhibit C1 shall not tantamount to waiver or discharge from liability for payment of any statutory duty, levies or taxes etc.</p> <p>The suit and the application stand decided of accordingly.</p> <p>July 9, 2003.</p> <p><br/>Manmohan Sarin, J.</p> |