

STATEMENT OF SH. ASHOK MITTAL S/O LATE SH. I.C.JAIN
R/O D-13, MODEL TOWN, DELHI - 110009.(ON S.A.)

I am the plaintiff. I have settled my dispute with my mother. Terms of the settlement are as recorded in Ex. CW-1, being the application under Order 23 Rule 3 CPC. My signatures on each page of the application are at point B. Affidavit in support of the application Ex. CW-3 has been deposed to by me. I acknowledge my mother's title in the suit property. I accept the title of defendant no. 8 in respect of the first floor and above. I accept the right of my mother to execute a will in respect of the front half portion of the ground floor. I shall pay to my mother Rs.5,000/- per month till I deposit Rs.10 lacs in a nationalized bank with direction that interest thereon be paid to my mother till she is alive. The suit may be disposed of in terms of the settlement arrived at.

RO & AC

November 28, 2006
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PRADEEP NANDRAJOG, J.

*I identify the signatures
of Sh. Ashok Mittal, plaintiff
who has signed in my presence.*

*Advocate for plgf.
28.11.06*

STATEMENT OF SMT. SITARO DEVI W/O LATE SH. I.C.JAIN
R/O D-13, MODEL TOWN, DELHI - 110009. (ON S.A.)

I am defendant no. 1. Plaintiff is my son. I have settled my disputes with the plaintiff. Plaintiff accepts my title in respect of property no. D-13, Model Town, Delhi and has agreed to give up his claim that the property belongs to the joint family of my late husband and concedes that the same has been acquired by me, in my name from my own funds. I have agreed to assign by way of a registered document, whatever be desired by the plaintiff, to convey to the plaintiff, right, title and interest in the rear half portion of the existing ground floor (area approximately measuring 225 square yards) without any consideration. I shall do so within 3 months from today. Expenses thereof shall borne by the plaintiff. I have already gifted first floor and above of the said property to defendant no. 3 who in turn has sold the same to defendant no. 8. Plaintiff has agreed to accept complete title in favour of defendant no. 8 under the sale deed executed in her favour by defendant no. 3. Plaintiff has agreed to pay to me a sum of Rs.5,000/- per month till he deposits a sum of Rs. 10 lacs in a nationalized bank under a fixed deposit with direction that the interest accrued thereon

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PRADEEP NANDRAJOG, J.

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Sgt. Indenture of
Smt. Sitara Devi

28/11/06

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Present: Mr. Ravi Gupta, Adv. for the plaintiff.
Mr. D.K.Jain, Adv. & Mr. Mukesh Kumar Verma, Adv.
for defendant no. 1
Mr. A.B.Dial, Sr. Adv. with
Mr. Navneet Mishra, Adv. for defendant no. 8.

+IA. No. /06 in CS (OS) No.1413/2004

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1. Application under Order 23 Rule 3 CPC executed by the plaintiff and defendant no. 1 received in court today. Registry is directed to assign a number to the said application.

2. Plaintiff, son of the first defendant has sought partition of property no. D-13, Model Town, Delhi. As of today, the property consists of a ground floor, first floor and further construction thereon.

3. Registered owner of the land comprising the suit property is defendant no. 1. Claim of the plaintiff is that defendant no. 1 acquired the property out of joint family funds and therefore, property has to be treated as belongings to the joint family.

4. Case of defendant no. 1 is that save and except the ground floor, she gifted remaining property to defendant no. 3 who in turn sold said portions to defendant no. 8. She claims ownership in her own right.

5. Happily, mother and son have settled their disputes. I have recorded their statements in court today.

6. Plaintiff and defendant no. 1 have accepted having reduced their settlement in an application filed under Order 23 Rule 3 CPC.

7. The same has been exhibited as CW-1.

8. I taken on record the compromise application filed by the plaintiff and defendant no. 1.

9. Since a bona fide dispute has been settled between the mother and her son. I accept the application.

10. IA No. _____/06 stands disposed of.

+CS (OS) No.1413/04

1. In view of the order passed herein above allowing compromise application filed by the plaintiff and defendant no.

1, I dispose of the suit passing a decree in favour of the plaintiff as also in favour of defendant no.1, terms of decree would be as recorded by the parties in sub paras I to VI of para 2 of the compromise application.

2. No costs.

November 28, 2006
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PRADEEP NANDRAJOG, J.