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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) No. 219 of 2013

MASTER YUGAM TIWARI

..... Plaintiff

Through: Mr. Kirti Uppal, Senior Advocate with
Mr. Sagar Pathak and Miss Vibha Dhawan,
Advocates.

versus

SANJAY TIWARI & ORS

..... Defendants

Through: Mr. Rama Shankar, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

15.07.2013

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IA No. 10031 of 2013 (u/O XXXII Rule 3 CPC)

1. For the reasons stated therein, this application is allowed. The mother, Mrs. Reema Tiwari, is substituted as natural Guardian of the Plaintiff.

2. The application is disposed of

IA No. 6053 of 2013 (u/O XXIII Rule 3 CPC)

3. This is an application filed jointly by the parties under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 for taking on record the Memorandum of Understanding ('MOU') dated 22nd March 2013 that has been entered into between the Plaintiff and Defendants 1 to 3 before the

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Delhi High Court Mediation and Conciliation Centre ('DHCMCC'). Para 6 of the MOU reads as under:

"6. The following settlement has been arrived at between the parties hereto:

(a) It is agreed between the parties that the First Party is entitled to get 1/4th share of the property in question bearing H.No. 185, measuring 173 sq. yards, Ground and First Floor, situated at Ram Vihar, Near Anand Vihar, Delhi – 92 as per right of his father and her husband Late Shri Pankaj Tiwari. It is agreed between the parties that whatever amount they will receive by sale proceeds of this property, First Party will receive 1/4th share of the sale proceeds. This is the share of his father Late Shri Pankaj Tiwari and her husband late Shri Pankaj Tiwari as per the Settlement. The First Party had already received an amount of Rs. 10 lakhs on 19th March 2013 from the Second Party.

(b) The Plaintiff is ready to withdraw the same suit bearing CS (OS) No. 219 of 2013, therefore, the Plaintiff will have to move an application for withdrawing the above mentioned petition as soon as possible."

4. The application has been signed by the natural Guardian of the Plaintiff and Defendant Nos.1 to 3. The application has been supported by the

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affidavits of the natural guardian of the Plaintiff and the Defendants Nos. 1 to 3.

5. For the reasons stated therein, the application is allowed and the terms of settlement as set out in para 6 of MOU is taken on record. The MOU shall form part of the present order.

CS (OS) No. 219 of 2013, IA Nos. 1863 of 2013 (u/O XXXIX R 1 & 2 CPC) & 8543 of 2013 (u/O XXXII Rule 8 CPC)

6. It is stated that the Family Settlements dated 9th April 2013 and 12th May 2013 have been entered into between the Plaintiff and Defendants 1 to 3. The Family Settlements are taken on record and shall form part of the present order.

7. The suit is decreed in terms of the Family Settlements dated 9th April 2013 and 12th May 2013 and the MOU dated 22nd March 2013. The pending applications are disposed of.

8. Decree sheet be drawn up accordingly.

9. Since the matter has been disposed as settled between the parties prior to recording of evidence and pursuant to the parties being referred to the

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DHCMCC, under Section 89 CPC, the Plaintiff is entitled to refund of entire court fees paid by the Plaintiff at the time of the institution of the suit in terms of Section 16 of the Court Fees Act. The Registry will, within four weeks, issue the necessary certificate in favour of the Plaintiff addressed to the Collector of Stamps entitling the Plaintiff to refund of the entire court fees paid by the Plaintiff.



S.MURALIDHAR, J

JULY 15, 2013

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