

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

+ CS(OS) 781/2011 & IA No.5665/2011

Decided on : 18.02.2015

IN THE MATTER OF:

DINESH KUMAR THR' HIS NEXT FRIEND
NEETU

..... Plaintiff

Through: Mr. Arvind Kumar Gupta, Advocate
with Ms.Neetu, next friend of plaintiff in person

versus

SMT.NARAYANI DEVI & ORS.

..... Defendants

Through: Mr. Amar Nath Sain, Advocate

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J.(Oral)

1. The plaintiff has instituted the present suit against the defendant No.1(mother) and defendants No.2 & 3(sisters), seeking partition and rendition of accounts etc.
2. Counsels for the parties state that the plaintiff is suffering from mental retardation and the present suit has been instituted on his behalf, by Smt.Neetu, his wife and next friend.
3. During the pendency of the present proceedings, in view of the relationship between the parties, they were referred to the Delhi High Court Mediation & Conciliation Centre. Now a Settlement Agreement dated 20.1.2015 has been filed, whereunder the parties have agreed

that the retiral benefits received by late Sh. Gyan Chand(father of the plaintiff and husband of the defendant No.1) would be divided between all the four legal heirs to the extent of 1/4th share each. Further, the defendant No.3 has agreed to give her 1/4th share to Ms.Neetu, wife of the plaintiff, of her own free will and volition. It has been agreed that the defendant No.1-3 shall pay a lump sum amount of ₹2,50,000/- to the plaintiff within 30 days from the date of receiving all the outstanding amounts from the DDA with regard to the retiral benefits of late Sh.Gyan Chand. The parties have agreed that the defendant No.1 shall execute a gift deed in respect of the residential premises owned by late Sh.Gyan Chand, in favour of the plaintiff's son, Master Kartik with a condition that the donee shall have the right to sell the same only after he attains the age of majority. The remaining terms and conditions of the settlement have been set out in para 7 of the Settlement Agreement.

4. The Court has heard the counsels for the parties and perused the Settlement Agreement. The same has been signed by Ms.Neetu, as next friend and wife of the plaintiff, by the defendants No.1, 2 & 3 and their respective counsels as also the learned Mediator.

5. As the counsels for the plaintiff and the defendant jointly state that they have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters,

there appears no legal impediment in accepting the settlement. The Settlement Agreement is taken on record and the parties shall remain bound by the terms and conditions of the said settlement. The suit is decreed in terms of the settlement.

6. The suit is disposed of, along with pending application, while leaving the parties to bear their own costs.

File be consigned to the record room.

FEBRUARY 18, 2015
mk

(HIMA KOHLI)
JUDGE