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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1419/2014 & IAs No.9305/2014**

BALDEV SINGH Plaintiff
Through: Mr. Neeraj Sharma, Advocate

versus

GURDEV SINGH & ORS. Defendants
Through: None

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **11.09.2015**

IA No.19150/2015(u/O XXIII R 3 CPC)

1. Though in the title of the present application, the provision of Order XXIII Rule 3 CPC has been invoked, as a matter of fact, the plaintiff seeks leave to withdraw the suit under Order XXIII Rule 1 CPC.

2. Counsel for the plaintiff states that during the pendency of the present proceedings, the parties have been able to negotiate a settlement before the Mediation Centre, Dwarka Courts. A copy of the Settlement Agreement dated 10.6.2015 has been enclosed with the present application. Counsel for the plaintiff states that nothing further survives for adjudication in the suit in terms of the settlement recorded in the Settlement Agreement and therefore, he seeks leave

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to withdraw the same.

3. Advance copies of the present application were served on the defendants directly through speed post. The records reveal that defendants No.1, 6 & 7 have entered appearance through counsel in the suit. The remaining defendants have yet to be served in the suit. Only the defendant No.1 has filed a written statement. In other words, the suit is still at the stage of completion of pleadings.

4. In view of the settlement stated to have been arrived at between the parties, the present suit is dismissed as withdrawn. The application is disposed of.

5. File be consigned to the record room.



HIMA KOHLI, J

SEPTEMBER 11, 2015
mk/rkb