

14.

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

+ **CS(OS) 682/2015**

Decided on 31.08.2015

**IN THE MATTER OF:**

VARUN JAIN

..... Plaintiff

Through : Mr. B.L. Gupta, Advocate with  
plaintiff in person.

versus

NIKHIL JAIN AND OTHERS

..... Defendants

Through : Mr. Manobal Gupta, Advocate  
for D-1 with D-1 in person.

**CORAM**

**HON'BLE MS.JUSTICE HIMA KOHLI**

**HIMA KOHLI, J. (Oral)**

**I.A. No.18173/2015 (u/O XXIII R 3 CPC)**

1. At the outset, counsel for the plaintiff states that due to a typographical error that has crept in the present application, the defendants No.2 & 3, i.e., M/s. Paamjees & Company and Shri Parminder Singh have been wrongly described as defendants No.3 & 4. He states that he may be permitted to carry out necessary corrections in the application.

2. Leave, as prayed for, is granted. Counsel for the plaintiff has been permitted to carry out necessary corrections against his

signatures in the application so that defendants No.3 & 4 are correctly described as defendants No.2 & 3, in terms of the amended memo of parties.

3. The present application has been filed by the plaintiff stating *inter alia* that during the pendency of the present proceedings, the parties have been able to negotiate a comprehensive settlement by executing a Mutual Family Settlement dated 1.5.2015. It is stated that a family settlement has been arrived at between Ms. Kumud Jain (paternal aunt of the plaintiff and the defendant) and the plaintiff and his wife and the defendant and his wife, whereunder they have agreed to divide the DDA flat and a shop in Kucha Khajanchi, Chandni Chowk, Delhi in equal halves. The Family Settlement also deals with some immovable properties, which are not the subject matter of the present suit.

4. Counsel for the plaintiff states that as the parties have arrived at a family settlement, the suit may be decreed in terms of the said settlement.

5. The Court has pursued the present application as also the Family Settlement dated 1.5.2015 which is marked as Annexure-A. The settlement bears the signatures of the plaintiff and his wife, Smt.Ritika Jain, the defendant and his wife, Smt.Nisha Jain and Ms. Kumud

Jain(paternal aunt of the plaintiff and the defendant).

6. As counsels for the plaintiff and the defendant jointly state that their clients 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 parties shall remain bound by the terms and conditions of the Family Settlement dated 01.5.2015.

7. The application is disposed of and the suit is decreed in terms of the settlement arrived at and recorded in the mutual Family Settlement dated 01.5.2015, while leaving the parties to bear their own costs.

8. File be consigned to the record room.

**AUGUST 31, 2015**  
sk/ap

**(HIMA KOHLI)**  
JUDGE