

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

+ CS(OS) 1859/2014 & IA No.11574/2014

Decided on 25.03.2015

IN THE MATTER OF :

KAMLESH SONI & ANR.

..... Plaintiffs

Through: Ms.Shobhna Takiar, Advocate
versus

NARESH KUMAR DUGGAL & ORS.

..... Defendants

Through: Mr. D.K.Thakur, Advocate for D-1
Ms.Lakshmi Gurung, Advocate for D-2 & D-3

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HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J. (Oral)

1. Counsels for the parties state that pursuant to the parties appearing before the learned Mediator appointed by the Delhi High Court Mediation & Conciliation Centre, in terms of the order dated 14.10.2014, they have arrived at a settlement and a Settlement Agreement dated 11.2.2015 has been placed on record.

2. The terms and conditions of the settlement have been set out in paras 1 to 8 of the Settlement Agreement.

3. Though it has not been specifically recorded in the Settlement Agreement, counsels for all the parties state that their clients are agreeable that Smt. Raj Duggal, mother of the plaintiff and the defendants No.1 to 3 shall continue occupying the suit premises during her lifetime and the settlement will be given effect to, only upon her

demise.

4. The Court has perused the Settlement Agreement dated 11.2.2015. The same has been signed by Mr.Prem Kumar Ghai, the constituted attorney of the plaintiff and the defendants No.1 to 3 and their respective counsels as also the learned Mediator. Enclosed with the Settlement Agreement is the Special Power of Attorney executed by the plaintiff in favour of the constituted attorney.

5. As the counsels for the parties state that the parties 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 same. The Settlement Agreement is taken on record.

6. The suit is decreed in terms of the settlement and the joint statement of the parties recorded hereinabove. The parties shall remain bound by the terms and conditions of the settlement arrived at between them.

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

8. At this stage, learned counsel for the plaintiffs states that in view of the fact that the parties have arrived at a settlement through the court annexed mediation and the suit is at the stage of completion

of pleadings, they are entitled to claim refund of the court fees in terms of Section 16 of the Court Fees Act.

9. In view of the aforesaid submission made by the counsel for the plaintiffs, the Registry is directed to issue a certificate in favour of the plaintiffs for refund of the court fees, as per law.

File be consigned to the record room.

MARCH 25, 2015
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(HIMA KOHLI)
JUDGE