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

+ CS(OS) 2368/2011

JAI KISHAN AGGARWAL Plaintiff
Through: Ms. Risha Mittal, Advocate

versus

SURESH CHANDER & ORS Defendants
Through: Mr. Vineet Mehta, Advocate for D-2.
Mr. T.C. Sanduja, Advocate for D-3.
Mr. Rajeev Kumar, Advocate with Mr. Iqbal
Singh, Advocate for D-5.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **03.09.2015**

I.A. 14036/2015 (by the plaintiff u/O XXII R 4 CPC)

1. The present application has been filed by the plaintiff stating inter alia that the parties were referred to mediation to negotiate a settlement in respect of the present suit for partition, permanent and mandatory injunction instituted by him against his siblings and the matter had got settled before the Mediation Centre on 27.01.2015. Thereafter, on 27.02.2015, defendant No.5 had passed away and she is survived by two class I heirs, i.e., her husband and a son, whose details have been furnished in para 3 of the application. A prayer is made to implead the legal heirs of the deceased defendant No.5 in her place.

2. Counsels for the non-applicants/defendants state that they do not have any objection to the present application being allowed.

3. For the reasons stated in the application, the same is allowed. The legal heirs of the deceased defendant No.5 are permitted to be brought on record. The amended memo of parties filed alongwith the present application shall be placed in part I file.

4. The application is disposed of.

I.A. 14035/2015 (by the plaintiff u/O I R 10 CPC)

1. The present application has been filed by the plaintiff praying inter alia for impleadment of Shri Manish Aggarwal (son of the plaintiff) and Mr. Gaurav Aggarwal and Mr. Vijay Aggarwal (sons of the defendant No.1) as parties in the present suit on the ground that they are signatories to the Settlement Agreement dated 27.01.2015 executed between the parties.

2. Counsels for the non-applicants/defendants state that they do not have any objection to the present application being allowed.

3. For the reasons stated in the application, the same is allowed. Mr. Manish Aggarwal is permitted to be impleaded as a co-plaintiff and Mr. Gaurav Aggarwal and Mr. Vijay Aggarwal are permitted to be impleaded as co-defendants. Fresh amended memo of parties shall be filed within two days with copies to the other side.

4. The application is disposed of.

CS(OS) 2368/2011 and I.A. 15320/2011, 3215/2012

1. Counsels for the parties state that after they were referred to the Delhi High Court Mediation and Conciliation Centre, they have been able to arrive at a settlement, whereunder they have agreed to sell the immovable property bearing No.G-46, Naraina Vihar, New Delhi and divide the sale proceeds amongst them in the manner mentioned in para 6(a) of the Settlement Agreement. The remaining terms and conditions of the settlement have been set out in the very same para. Counsels for the parties state that the suit may be

decreed in terms of the settlement recorded in the Settlement Agreement dated 27.01.2015.

2. The Court has heard the counsels for the parties and perused the Settlement Agreement dated 27.01.2015. The same has been signed by the parties to the suit, their respective counsels and the learned Mediator.

3. As counsels for the parties 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 said settlement. The parties shall remain bound by the terms and conditions of the

settlement recorded in the application.

4. The suit is decreed in terms of the settlement recorded in the Settlement Agreement dated 27.01.2015, while leaving the parties to bear their own expenses. Decree sheet shall be drawn accordingly.

5. The suit is disposed of, along with the pending applications.

6. File be consigned to the record room.

HIMA KOHLI, J

SEPTEMBER 03, 2015

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