

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

+ **CS(OS) 2172/2010 and I.A. 11015/2012, 2343/2014 and 8992/2014**

Decided on : 22.01.2015

IN THE MATTER OF:

RADHIKA TANDON BHATIA AND ORS

..... Plaintiffs

Through: Ms. Shobhana Takiar, Advocate

versus

ANUJ BHATIA

..... Defendant

Through: Mr. Ranjay N., Advocate

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J.(Oral)

I.A. 1640/2015 (joint application by the parties u/O XXIII R-3 CPC)

1. The present joint application has been filed by the parties stating *inter alia* that during the pendency of the present proceedings, the parties have arrived at an out of court settlement.

2. Counsels for the parties state that the plaintiff No.1 is the wife of the defendant and the plaintiffs No.2 and 3 are the minor children of the plaintiff No.1 and the defendant, in a suit for maintenance, residence and mandatory injunction instituted by them. The terms and conditions of the settlement arrived at between the parties, have been set out in para 4 of

the application. Para 4 has been split into sub-heads, dealing with issues relating to the maintenance of the minor children, residence/transfer of immovable property situated at Navjivan Vihar, lumpsum payment to the plaintiff No.1 and the custody/visitation rights in respect of the plaintiffs No.2 and 3. Counsels for the parties state that vide order dated 17.05.2013, the defendant was directed to pay a sum of ₹1,70,000/- to the plaintiffs on a monthly basis, apart from some other financial arrangements recorded in the said order and it has been agreed that the said arrangement shall continue till the parties apply for a decree of divorce by mutual consent and the divorce decree is obtained. Thereafter, the terms and conditions stipulated in the compromise application shall be given effect to. They submit that the suit may be decreed in terms of the settlement recorded in the present application.

3. The Court has heard the counsels for the parties and perused the application. The same has been signed by the plaintiff No.1 for self and as natural guardian and next friend of the plaintiffs No.2 and 3 as also by the defendant and their respective counsels. The application is supported by the affidavits of the plaintiff No.1 and the defendant.

4. As 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. Further, the Court is satisfied that the settlement is in the best interest of the minors, plaintiffs No.2 and 3 and has been arrived at by their parents, who are their natural guardians after taking into consideration their highest interest. All the parties shall remain bound by the terms and conditions of the settlement.

5. The application is allowed and the suit is decreed in terms of the settlement recorded in the application and noted hereinabove.

6. The suit is disposed of alongwith the pending applications, while leaving the parties to bear their own costs.

7. File be consigned to the record room.

(HIMA KOHLI)
JUDGE

JANUARY 22, 2015
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