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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 2993/2011

Decided on 02.03.2015

IN THE MATTER OF:

TARIKH RAJA

..... Plaintiff

Through : Mr. Gopal Singh, Advocate with
plaintiff in person.

versus

MAHIR RAJA

..... Defendant

Through : Mr. G.S. Raghav and
Mr. Pankaj Kumar, Advocates with
defendant in person.

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HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J. (Oral)

I.A. No.4296/2015 (joint application u/O XXIII R 3 CPC)

1. The present compromise application has been filed by the parties stating *inter alia* that during the pendency of the present proceedings, they have arrived at an out of court settlement as recorded in the Deed of Settlement/Compromise dated 11.2.2015, whereunder the plaintiff has agreed to gift the subject property to the defendant of his own free will and volition.

2. Counsels for the parties state and the plaintiff and the defendant are brothers and have decided to bury the hatchets by arriving at a

settlement not only in respect of the immovable property, subject matter of the present suit, but also in respect of other properties for which the purpose, separate deeds of settlement have been executed. They state that the suit may be decreed in view of the settlement arrived at between the parties.

3. The Court has pursued the present application. The same has been signed by the plaintiff and the defendant and by their respective counsels. The application is supported by the affidavits of both the parties. Annexed with the application is a photocopy of the Deed of Settlement/Compromise dated 11.2.2015 (Annexure-P-1), which has been endorsed as a true copy by both the parties. In the Deed of Settlement, it has been recorded that the parties have agreed that the defendant shall be the absolute and exclusive owner of the suit premises and the plaintiff has given up all his rights, title and interest therein in his favour.

4. As counsels for the plaintiff and the defendants 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 settlement recorded in the application.

5. The application is allowed and the suit is decreed in terms of the settlement arrived at and recorded in the Deed of Settlement, while leaving the parties to bear their own costs.

6. File be consigned to the record room.

MARCH 02, 2015
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(HIMA KOHLI)
JUDGE