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

+ CS(OS) 1782/2015 and I.A. 12428/2015 & 18867/2015

BRIJ MOHAN KAELEY Plaintiff
Through: Mr. Kunal Aurora, Advocate with
plaintiff in person

versus

ISHITA KAELEY & ANR Defendants
Through: Ms.Geeta Luthra, Sr.Advocate with
Mr.Attin Shankar Rastogi, Advocate with D-1,
Mr.Sanjay Bhatia, father of D-1 and
Mrs.Poonam Bhatia, mother of D-1 in person
Ms.Sujata Rao, Advocate with D-2 in person

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% 18.11.2015

1. The present suit has been instituted by the plaintiff(father-in-law of the defendant No.1 and father of the defendant No.2) praying inter alia for a decree of perpetual injunction, restraining the defendant No.1 from entering into/interfering with the peaceful possession/enjoyment of property bearing No.E-30, Bunglow Road, Kamla Nagar, Delhi.

2. During the pendency of the suit, the parties unilaterally approached the Delhi High Court Mediation and Conciliation Centre and

for conciliation of their disputes. Counsels for the parties state that the conciliation has been successful. The terms and conditions of the settlement have been recorded in the Conciliation Settlement/Agreement dated 6.11.2015, true and certified copies whereof duly signed by the parties are handed over by the counsels for the parties. The terms and conditions of the settlement have been recorded in paras 1-13 of the Conciliation Settlement/Agreement whereunder, the parties have agreed that the plaintiff and the defendant No.2 shall jointly pay a sum of Rs.1,15,50,000/- to the defendant No.1 in full and final settlement of all her claims against them and their family members. The stages and the manner in which the aforesaid amount shall be paid by the plaintiff and the defendant No.2 has been set out in para 2 of the Conciliation Settlement/Agreement.

3. Counsels for the parties state that the first instalment of Rs.25 lacs is to be paid to the defendant No.1, on or before 18.11.2015, i.e., today. Learned counsel for the defendant No.2 hands over a draft bearing No.0770503 dated 17.11.2015 drawn on Canara Bank, Shakti Nagar, Delhi amounting Rs.25 lacs in favour of the defendant No.1 towards the first instalment which is duly accepted by

the other side. It has been agreed that the remaining amounts shall be paid to the defendant no. 1 at various stages, namely, at the stage of moving the first motion for divorce by mutual consent and the second motion thereafter and some amount shall be paid to the defendant No.1 at the time of quashing of FIR No.316/2015, registered against the plaintiff.

4. Ms. Luthra, learned Senior counsel for the defendant No.1 states on instructions that defendant no. 1 undertakes to abide by the conditions agreed upon and recorded in the Conciliation Settlement/Agreement, including the conditions that neither she, nor any of her family members shall enter the suit premises, subject to the compliance of the terms and conditions of the settlement recorded therein.

5. Counsels for the plaintiff and the defendant No.2 state that their clients undertake to abide by the terms and conditions recorded in the Conciliation Settlement/Agreement. All the parties state that they shall not pursue the civil/criminal cases against each other or the complaint cases filed by them against each other or their family members. In view of the settlement recorded in the Conciliation Settlement/Agreement dated 6.11.2015, counsels for the parties

jointly state that the same be taken on record and the suit may be decreed in terms thereof.

6. The Court has perused the Conciliation Settlement/Agreement dated 6.11.2015. The same has been signed by the plaintiff, the defendant No.1 and the defendant No.2 and their respective counsels as also by the learned Mediator. The Conciliation Settlement/Agreement has also been witnessed by three independent parties. The true copy and certified copy of the Conciliation Settlement/Agreement dated 6.11.2015 are taken on record and marked as Ex.A and B respectively.

7. As the counsels for the plaintiff and the defendants state that they 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 Conciliation Settlement/Agreement. The parties shall remain bound by the terms and conditions of the settlement arrived at between them. The suit is decreed, in terms of the settlement recorded in the Conciliation Settlement/Agreement dated 6.11.2015, while leaving the parties to bear their own expenses.

8. The suit is disposed of alongwith the pending applications.

The parties shall affix their signatures on the order sheet in acknowledgment of the conditions recorded in the Conciliation Settlement/Agreement dated 6.11.2015 and as above.

NOVEMBER 18, 2015
mk/ap

HIMA KOHLI, J