

36.

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

+ **CS(OS) 1951/2015 & IA No.13574/2015**

Decided on 29.09.2015

IN THE MATTER OF:

PAWAN KUMAR SINGHAL

..... Plaintiff

Through : Mr. Mohit Gupta, Advocate

versus

RAM AVTAR SINGHAL

..... Defendant

Through : Ms. Nishtha Garg, Advocate

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J. (Oral)

I.A.20505/2015 (joint application 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 were referred to mediation and pursuant thereto, they have been able to arrive at a settlement as recorded in the Settlement Agreement dated 27.8.2015, wherein the plaintiff and the defendant (brothers) have agreed to partition the suit premises owned by their deceased father, as detailed in para 1 of the Settlement Agreement.

2. Counsels for the parties state that as per the settlement arrived at between the parties, the plaintiff shall own and possess the second and third floors with exclusive roof rights and the defendant shall own and possess the upper ground and first floor with equal and common

rights over the stilt parking, stair case and common usage of the lift in the suit property. The other terms and conditions of the settlement have been set out in paras 2 to 10 of the Settlement Agreement. Enclosed with the Settlement Agreement as Annexure-A, is the site plan showing the demarcation of the portions of the plot in question and the area marked as 'A' reflects that is occupied by Shri Basant Lal (brother of the father of the parties) and the area marked as 'B' is stated to be the portion falling to the share of the father of the parties.

3. Counsels for the parties jointly state that the suit may be decreed in terms of the settlement arrived at between the parties.

4. The Court has perused the application as also the Settlement Agreement dated 27.8.2015. The same has been signed by the parties and by their respective counsels, as also by the learned Mediator. The application is supported by the affidavits of the parties.

5. As the counsels for the plaintiff and the defendants jointly 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 settlement. The Settlement Agreement dated 27.08.2015 is taken on record and the parties shall remain bound by the terms and conditions of the said settlement.

6. The suit is decreed along with the pending application, while leaving the parties to bear their own expenses. Decree sheet be drawn accordingly.
7. The suit is disposed of.
8. The date fixed in the case 9th October, 2015 stands cancelled.

SEPTEMBER 29, 2015
sk/rkb

(HIMA KOHLI)
JUDGE