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

+ CS(OS) 2300/2015 & IA No.15725/2015

BEENA

..... Plaintiff

Through: Mr. Rajesh Kumar, Advocate with
Plaintiff in person.

versus

KUSUM & OTHERS

..... Defendants

Through: None for D-1
Mr. Gaurav Malhotra, Advocate for D-2 to D-5.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
21.12.2015

1. Pursuant to the order dated 07.12.2015, learned counsel for the plaintiff enters appearance and states that his non appearance on the last date was erroneous.

2. Learned counsels for the parties jointly states that the parties were referred to the Delhi High Court Mediation and Conciliation Centre and they have been able to arrive at an amicable settlement. The terms and conditions have been recorded in the Settlement Agreement dated 1.10.2015 whereunder, defendants No. 3,4 and 5 have agreed to pay a sum of Rs.10 lacs to the plaintiff in five instalments.

3. It is stated by learned counsel for the plaintiff that the first two

instalments of Rs.1,50,000/- each have received from the defendants. The balance instalments shall be paid by the defendants no. 3 to 5 as per the schedule laid down in the Settlement Agreement. It has been further agreed that the defendants No.2 to 5 shall pay a sum of Rs.4 lacs to the defendant No.1 in full and final settlement of all her claims in respect of the suit premises.

4. Counsel for the defendants no. 2 to 5 states that the defendant no. 1 is the sister of his clients and they have already paid a sum of Rs.4 lacs to her. The remaining terms and conditions of the settlement have been set out in paras (vi) to (x) of the Settlement Agreement.

5. Learned counsels for the parties state that the suit may be disposed of in terms of the settlement with liberty granted to the plaintiff to approach the court in the event the defendants No.2 to 5 make a default in making payments of the balance instalments.

6. The court has perused the Settlement Agreement. The same has been signed by the plaintiff and defendants No.2 to 5 as also their respective counsels and mediator. As learned counsels for the plaintiff and the defendants No.2 to 5 jointly 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 settlement. The

Settlement Agreement dated 1.10.2015 is taken on record. The parties shall remain bound by the terms and conditions of the settlement recorded therein.

7. The suit is disposed of along with pending application, while leaving the parties to bear their own expenses. However, liberty is granted to the plaintiff to approach the court for relief in case the defendants no. 3 to 5 fail to abide by the terms and conditions of the Settlement Agreement.

File be consigned to the record room.

HIMA KOHLI, J

DECEMBER 21, 2015

mk/ap