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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 370/2014 & IA No.15507/2014**
OM PRAKASH JAIN Plaintiff
Through : Mr. R.K. Alagh, Advocate

versus

ASHOK KUMAR JAIN & ANR Defendants
Through : Mr. Gurdeep Singh, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **08.08.2016**

I.A. 9169/2016 (exemption)

Allowed, subject to just all exceptions.

I.A. 9168/2016 (joint application u/O XXIII R 3 CPC)

1. The present joint application has been filed by the parties stating *inter alia* that after a preliminary decree was passed in the present suit on 12.2.2015, whereunder the plaintiff and the defendant No.1 were held entitled to 50% share each in the suit premises and the parties were referred to mediation, they have been able to arrive at an out of court settlement, which has been reduced into writing by virtue of a Settlement Agreement dated 9.6.2016.

2. It is stated that in terms of the settlement, both the parties have agreed that the wall shown in red colour and marked as 'X' in the site plan filed with the plaint, shall be demolished and replaced by a new collapsible shutter of a specified size and neither party shall construct a wall in the centre of the front courtyard of the suit premises. The parties have further agreed that they shall continue occupying the remaining portions of the suit

premises as are already under their occupation.

3. Counsels for the parties state that the suit may be decreed in terms of the settlement arrived at between the parties and recorded in the Settlement Agreement dated 9.6.2016.

4. The Court has pursued the present application as also the Settlement Agreement dated 9.6.2016. The application has been signed by the parties and their respective counsels. The same is supported by the affidavits of the signatories to the application. Enclosed with the application is the Settlement Agreement dated 9.6.2016, executed by the plaintiff and the defendants.

5. 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 and in the Settlement Agreement dated 9.6.2016.

6. The suit is decreed in terms of the settlement arrived at and recorded in the application and in the Settlement Agreement dated 9.6.2016, read with the site plan enclosed with the plaint, while leaving the parties to bear their own costs.

7. The suit is disposed of, along with the pending application.

8. File be consigned to the record room.

HIMA KOHLI, J

AUGUST 08, 2016

sk/ap