

\$~26

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

+ **CS(OS) 965/2008**

M/S MAGPIE DEVELOPERS PVT.LTD. Plaintiff

Through: **Mr. B.R.Sharma, Adv.**

versus

M/S ISHWAR INDUSTRIES PVT. LTD & ORS D+ Defendants

Through: **Ms. Harsh Lata, Adv.**

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

%

11.02.2016

I.A.No. 2018/2016 (U/o 23 Rule 3 CPC by parties)

1. This joint application is filed under Order 23 Rule 3 CPC by the parties in the present suit for specific performance. Parties have signed the application and supported it by their affidavits. The settlement agreement signed between the parties on the basis of which the suit is prayed for being disposed of is a settlement agreement dated 11.1.2015 (sic 2016). Plaintiff in the suit has agreed to receive amount from the defendant nos. 1 and 2 in full and final settlement of the claims under the agreements which are subject matter of the suit and on receiving of this amount plaintiff will give up all his rights in the suit property.

2. It is also prayed by this application that defendant no.3 be deleted from the array of parties and therefore, the liability to pay the amount as per the settlement agreement dated 11.1.2016 will be only upon the defendant nos. 1 and 2 jointly and severally.

3. Accordingly, I.A is allowed and the suit is disposed of in terms of the settlement agreement dated 11.1.2016 and decree sheet be drawn up in favour of the plaintiff and against the defendants no.1 and 2 in terms of the agreed terms as stated in the settlement agreement dated 11.1.2016.

VALMIKI J. MEHTA, J

FEBRUARY 11, 2016
ib