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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 1912/2012

RAVINDER KUMARI

..... Plaintiff

Through: Ms. Anuradha Mukherjee and
Ms. Shreya Som, Advocates with plaintiff in
person.

versus

RADHESH SINGH & ORS

..... Defendants

Through: Ms. Eti Solanki, Advocate with
Mr. Prabhjit Jauhar, Advocate for D-1 to 4.
Mr. Jeevesh Nagrath, Advocate for D-5 to 7.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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05.01.2016

I.A. 24/2016 (by the plaintiff u/O XXIII R 1 CPC)

1. The present application has been filed by the plaintiff praying *inter alia* for permission to withdraw the suit in view of the settlement arrived at with the defendant No.1 (sister of the plaintiff).

2. Counsel for the plaintiff states that the plaintiff has instituted the accompanying suit against her sister and the legal heirs of the deceased brother in respect of premises No.17, Rajdoot Marg, Chanakyapuri, New Delhi. She states that during the pendency of the

suit, the plaintiff and the defendant No.1 have arrived at an out of court settlement reduced into writing by virtue of a Deed of Settlement dated 21.12.2015, a copy whereof has been enclosed with the present application and marked as Annexure A and the parties have agreed that the defendant No.1 would execute a Gift Deed in favour of the plaintiff in respect of 1/12th undivided share in the suit premises. The court is informed that the said Gift Deed was executed by the defendant No.1 in favour of the plaintiff on 22.12.2015.

3. Counsel for the defendants No.1 to 4 confirms the fact that her client and the plaintiff have arrived at an out of court settlement and she has no objection to the suit being disposed of.

4. Counsel for the defendants No.5 to 7 states that he has no objection to the suit being withdrawn in terms of the settlement. However, the withdrawal based on the settlement between the plaintiff and the defendant No.1 should not be construed as binding on his clients and nor should the said settlement prejudice the rights of the defendants No.5 to 7.

5. Counsel for the plaintiff states that she has no objection to the same.

6. Accordingly, the suit is disposed of as withdrawn in terms of the

averments made in the application, without binding the defendants No. 5 to 7 to the settlement arrived at between the plaintiff and the defendant No.1 and without prejudice to the rights of the said defendants.

7. The date fixed, i.e., 18.02.2016 stands cancelled.

File be consigned to the record room.

HIMA KOHLI, J

JANUARY 05, 2016

rkb/mk