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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 136/2016, IA No.8892/2016 (u/O XXIII R-3 CPC), IA No.3573/2016 (u/O 39 R-1&2 CPC) & IA No.3574/2016 (u/O II R-2 CPC)

SHRI PRITAM NATH HANDA

..... Plaintiff

Through: Mr. Piyush Kaushik & Mr. Mukul Jain, Advs.

Versus

SMT RAJKUMARI & ORS

..... Defendants

Through: Mr. Akshay Makhija, Adv. for D-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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28.07.2016

1. This suit for partition of property no.Z-51-52, West Patel Nagar, New Delhi was filed against four defendants but on the plea of the defendant no.3 that the defendants no.1, 2 and 4 viz. Smt. Raj Kumari, Smt. Veena Handa & Smt. Neera had already relinquished their share in the property, the said defendants no.1, 2 and 4 were deleted vide order dated 20th May, 2016 and the defendant no.3 Mr. Vinod Handa is now the sole defendant.
2. Parties were referred to mediation.
3. Mediation has been successful with the efforts of Mr. Bhupesh Narula, Advocate / Mediator and a settlement agreement dated 1st June, 2016 signed by the plaintiff and the sole defendant Mr. Vinod Handa as well as by the respective counsels and the mediator has been received in this Court.
4. The counsel for the plaintiff and the counsel for the defendant no.3 support the settlement agreement.

5. IA No.8892/2016 along with a copy of the settlement agreement has also been filed under Order XXIII Rule 3 of the CPC and which is also stated to be signed by the parties, their advocates and supported by the affidavits of the parties.
 6. I have gone through the settlement agreement and find the contents thereof to be in accordance with law.
 7. The parties having agreed to partition of the property by metes and bounds, it has been enquired from the counsels whether the parties want an executable decree and in which case they will have to pay the stamp duty thereon; else the suit will be disposed of without any executable decree.
 8. The counsels for the parties state that the parties want an executable decree and will pay the stamp duty thereon in equal share.
 9. Accordingly, the application under Order XXIII Rule 3 CPC is allowed.
 10. The suit is decreed in terms of the settlement agreement dated 1st June, 2016 which shall form part of the decree sheet.
 11. The parties are left to bear their own costs.
- Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

JULY 28, 2016
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