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

+ CS(OS) 1636/2013

DHEERAJ KUMAR TOKAS Plaintiff

Through : Ms.Anupriya Singh, Adv.

versus

KARAM DEVI Defendant

Through : Mr.Shivang, Adv. for defendant no.3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

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18.10.2016

Plaintiff has filed the present suit for specific performance of an oral Agreement to Sell dated 10.8.2016 with respect to the built up property bearing Municipal House No.F-66, Munirka Village, New Delhi, measuring 145 sq. yards.

As per the plaint, the plaintiff has agreed to purchase the aforesaid property from the defendants vide an oral Agreement to Sell dated 10.8.2016 for a total sale consideration of Rs.2,40,00,000/-, out of which Rs.33.00 lakhs was paid by the plaintiff to the defendants. Since the transaction could not be completed on the part of the defendants, the plaintiff has filed the present suit.

Learned counsel for the parties submit that the parties have entered into an amicable settlement before the Delhi High Court Mediation and Conciliation Centre. A copy of the Settlement Agreement dated 6.10.2016, duly signed by the parties and their respective counsel, has been placed on record, which is marked as Exhibit P-1.

As per the Settlement Agreement dated 6.10.2016, a sum of Rs.40,04,750/- stands paid by defendant no.3 to the plaintiff vide Demand Draft

bearing no.085013 dated 6.10.2016, drawn on Canara Bank, Munirka, New Delhi. Further as per the settlement, it is agreed that the plaintiff would have no right, title or interest in the suit property.

Learned counsel for the plaintiff submits that in view of the settlement arrived at between the parties, she has instructions to withdraw the present suit.

Accordingly, present suit stands dismissed as withdrawn. Since the matter has been resolved through Mediation, the plaintiff would be entitled to refund of Court fee. Let an appropriate certificate be issued to the plaintiff in this regard.

The Court appreciates the efforts put in by the counsel for the parties, the parties and the Mediator in the early resolution of the matter.

I.A. 221/2014 (O 39 R 2A)

Application stands disposed of in view of the order passed above.

G.S.SISTANI, J

OCTOBER 18, 2016

msr

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