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

+ MAT. APP. (F.C.) No.8/2014

FRANCIS MENDES

..... Appellant

Through: Mr.Rishi Sehgal, Adv.

versus

MARY MENDES

..... Respondent

Through: Ms.Seema Bengani, Adv.

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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04.07.2016

1. A report dated 30th June, 2016 has been received from Ms.Sadhana Ramachandran, Mediator at the Samadhan, Delhi High Court Mediation and Conciliation Centre placing the original Settlement Agreement dated 10th June, 2016 arrived at between the parties before us. The mediator has also forwarded Annexure 'A' to the Agreement, which are suggestions received from Shri Sudhir Vohra, Architect who has suggested a possible plan for raising construction on the property and accepted by the parties.

2. The signatures on the Settlement Agreement of the respondent who is serving in Iraq have been verified by Mr.Parag Singhal, Assistant Consular Officer, Embassy of India at Baghdad, Iraq who has attested the same as well. We have been informed by the mediator that the status of notaries in Iraq is uncertain. The Settlement Agreement dated 10th June, 2016 stands notarised at Delhi.

3. The parties are represented by duly authorised counsel before us. Counsel for the parties have perused the original Settlement Agreement dated 10th June, 2016 as well as the Annexure 'A'. Mr.Rishi Sehgal, Advocate appearing for the appellant before us today, has identified the signature of the appellant on all pages of the Settlement Agreement. Ms.Seema Bengani, Advocate who represents the respondent also participated in the mediation process and has signed the Settlement Agreement. Ms.Bengani has identified her signatures on every page of the settlement.

4. Both counsel have submitted that the settlement was arrived

at voluntarily without any kind of force, pressure or undue influence on the parties and that the same is to their benefit. The settlement also states so. A prayer is made in the settlement agreement as well as by counsel for the parties that the settlement be accepted by this court and the appeal be disposed of as withdrawn in terms thereof.

5. The settlement has been entered into *bona fide* without any kind of force, pressure or undue influence and there is no legal impediment for taking the same on record.

6. Before parting with the case, we would like to record our deep appreciation for the manner in which Ms.Sadhana Ramachandran, Mediator has conducted the mediation proceedings despite difficulties which may have been faced given the facts that the parties are at the advanced ages; the nature of disputes and property involved as well as the fact that the communication with the respondent being abroad would have been difficult. The learned Mediator has evolved a very fair procedure for ensuring that the respondent was able to meaningfully participate in the mediation process.

7. We also place on record our deep appreciation for the assistance given by Mr.Sudhir Vohra, Architect at the request of the mediator who has ascertained the possibility of creating two separate dwelling units in the property in dispute. But for his assistance, the expeditious resolution of the disputes between the parties may not have been possible.

8. We also record our commendation and appreciation for the manner in which the Settlement Agreement has been drafted and recorded which deserves to be emulated at the Mediation Centre.

In view of the above, the Settlement Agreement dated 10th June, 2016 is accepted and taken on record.

9. As per the terms contained in paras 8(l) and (m) of the Settlement Agreement dated 10th June, 2016, counsel for the parties submit that their clients withdraw the respective allegations made against each other in all proceedings. A prayer is accordingly made on behalf of the appellant to withdraw the present appeal. The parties shall ensure compliance with the remaining terms and

conditions of the Agreement.

10. The appeal is disposed of as withdrawn in terms of the Settlement Agreement dated 10th June, 2016. All pending applications shall also stand disposed of.

Let a copy of this order be sent to the Delhi High Court Mediation and Conciliation Centre and Mr.Sudhir Vohra, Architect by the registry.

GITA MITTAL, J

JULY 04, 2016
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I.S. MEHTA, J