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

+ CS(OS) 2328/2015

DR. YOGESH KUMAR Plaintiff

Through : Mr.Puneet Singhal, Adv.

versus

DR. HARISH SOOD & ANRS Defendants

Through : Mr.Deepanker Mohan, Adv. for
defendants no.1 and 2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

% **07.11.2016**

I.A. /2016

Learned counsel for the parties submit that the parties and the applicants, being (i) Dr.Shweta Aggarwal, (ii) M/s Orbit Scan & Path Lab Pvt. Ltd., and (iii) Ms.Kritika Sood, have jointly filed an application in the Registry under Order I Rule 10 of the Code of Civil Procedure seeking impleadment of the applicants in the present suit.

At the request of the counsel for the parties, the application is called from the Registry. Registry is directed to register and number this application.

Learned counsel for the parties submit that the three proposed applicants are being represented in Court today by counsel. Counsel further submit that applicant no.1 is being represented through counsel for the plaintiff and applicants no.2 and 3 are being represented through counsel for defendants no.1 and 2. It is contended that since the parties to the present suit and the applicants herein have arrived at an amicable settlement, it would be necessary to implead the applicants as parties to the present suit.

Heard. Having regard to the submissions made, the present application is allowed. The applicants are impleaded as parties to the present suit. Let the amended memo of parties be taken on record.

Application stands disposed of.

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Plaintiff has filed the present suit for partition and permanent injunction.

As per the plaint, the plaintiff and defendants to the present suit had jointly purchased a plot of land measuring 200 sq. yards, known by the number bearing 5/3, Gulab Bagh, Khasra nos.912 and 913, Village Nawada, Uttam Nagar, New Delhi (hereinafter referred to as the '*suit property*'). It is claimed that (i) 100 sq. yards was purchased vide registered Sale Deed bearing Registration no.8991 in Book no.1, Volume No.20,875, pages no.127-134 dated 30.4.2013 and (ii) 100 sq. yards was purchased vide registered Sale Deed bearing Registration no.8585 in Book no.1, Volume no.20,862, pages no.81-88 dated 25.4.2013. It is averred in the plaint, that the suit property was purchased with initial capital investment of 40% by the plaintiff, 40% by defendant no.1

and 20% by defendant no.2. Since the suit property was not being partitioned as requested by the plaintiff, this has led to the filing of the present suit.

Today, learned counsel for the parties submit that the parties including the newly added parties have entered into an amicable settlement before the Delhi High Court Mediation and Conciliation Centre on 7.9.2016. A Settlement Agreement has been placed on record and is marked as Exhibit P-1. The Settlement Agreement dated 7.9.2016 is duly signed by the parties and the newly added parties on all the pages of the Settlement Agreement, and the counsel for the parties have signed the Settlement Agreement on the last page of the Settlement Agreement. Counsel further submit that the Settlement Agreement dated 7.9.2016 has been signed by all the parties in their presence and in the presence of the Mediator.

Learned counsel for the parties submit that the present suit be decreed in terms of Exhibit P-1.

As prayed, suit is decreed in terms of Exhibit P-1, leaving the parties to bear their own costs. The Court appreciates the efforts put in by the counsel for the parties and the Mediator in early resolution of the matter.

I.A. 15869/2015 (O XXXIX R 1 & 2 CPC)

Application stands disposed of in view of the settlement arrived at between the parties.

G.S.SISTANI, J

NOVEMBER 07, 2016

msr