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

+ **CS(OS) 3129/2015**

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Judgment dated 18th October, 2016

DESH VAID @ DESH BHAGAT VAID

..... Plaintiff

Through : Mr.J.S. Mann, Adv. along with
plaintiff.

versus

UMESH KUMAR VAID & OTHERS

..... Defendants

Through : Ms.Sakshi Vaid, Adv. for defendants
no.1, 3 to 10 along with defendants
no.1 and 3 to 7.
Mr.K.K. Prasad, Adv. for defendant
no.2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

G.S.SISTANI, J (ORAL)

I.A. 12686/2016

1. This is a joint application filed by parties seeking early hearing in the matter on the ground that the parties have arrived at an amicable settlement before the Delhi High Court Mediation and Conciliation Centre.
2. Heard. Having regard to the fact that the parties have arrived at an amicable settlement, present application is allowed. The matter will be taken up today itself. The date of 16.11.2016 stands cancelled.
3. Application stands disposed of.

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4. Plaintiff has filed the present suit for partition with consequential relief of permanent injunction with respect to the property bearing no.G-16/2A, Rajouri Garden, New Delhi.

5. All the parties, except defendant no.2 and defendants no.8, 9 and 10, are present in Court today. Defendant no.7 is the Power of Attorney Holder of defendants no.8, 9 and 10, to represent them, sign and verify the Family Settlement on their behalf. A copy of the Special Power of Attorney dated 31.8.2016 executed by defendants no.8 to 10 in favour of defendant no.7 has been placed on record.
6. Learned counsel for the parties as also the plaintiff and defendants no.1 and 3 to 7 submit that the parties to the present suit have arrived at an amicable settlement before the Delhi High Court Mediation and Conciliation Centre on 5.9.2016. The Settlement Report dated 5.9.2016 has been placed on record, which is marked as Exhibit P-1. It is further submitted that a Family Settlement has also been executed between the parties, which is duly signed by the plaintiff, defendants no.1 to 6 and defendant no.7 for himself and on behalf of defendants no.8 to 9 on 5.9.2016. The Family Settlement is marked as Exhibit P-2. The plaintiff and defendants no.3 to 6 identify their signatures on the Settlement Report and Family Settlement, Exhibits P-1 and P-2, respectively. Defendant no.7 also identifies his signature and signatures of defendants no.8 to 10 on the Settlement Report and Family Settlement. Counsel for defendant no.2 also identify the signature of defendant no.2 on the Settlement Report and Family Settlement.
7. It is submitted that the parties have carefully read and understood the terms of settlement and the settlement agreement has been entered into without any coercion, pressure or influence. It is also jointly submitted that in addition to the terms of Family Settlement dated 5.9.2016 (Exhibit P-2), it is further agreed that in case the suit property is not sold within six months or during the extended period, either of the

parties would be entitled to approach the Court seeking execution of the decree in accordance with law.

8. Heard. Having regard to the submissions made and taking into consideration that the parties have arrived at an amicable settlement, present suit stands decreed in terms of Exhibits P-1, Exhibit P-2 and in terms of the above agreed additional term. Let a decree sheet be drawn up accordingly.
9. The Court appreciates the efforts put in by the counsel for the parties, the parties and the learned Mediator in early resolution of the matter.

I.A. 21839/2015 (O XXXIX R 1 & 2 CPC)

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

OCTOBER 18, 2016

msr

G.S.SISTANI, J

