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

+ **CS(OS) 197/2012**

SANJAY BHARGAVA

..... Plaintiff

Through Mr Kunal Tandon, Ms Nidhi Jain,
Advocates.

versus

SEEMA BHARGAVA

..... Defendant

Through Mr Kajal Chandra and Mr J.K. Bhola,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.05.2017

IA No. 6747/2017

1. This is a joint application under Order XXIII Rule 3 CPC filed by the parties. The plaintiff has agreed to withdraw the suit in terms of the Memorandum of Settlement (hereafter 'the MOS') dated 15.05.2017.
2. The plaintiff is present in court today and affirms that he shall abide by the terms of the aforementioned settlement and prays that the suit be dismissed as withdrawn.
3. Learned counsel appearing for the plaintiff has also drawn the attention of this court to para 3 (v) of the application which, *inter alia*, provides that the defendant shall hand over two demand drafts in the name of plaintiff's daughters, namely, Ms Shreya Bhargava and Ms Srishti Bhargava, before the court at the time of recording the statement/undertaking of the parties in terms of the said settlement. In terms of the said obligation, the learned counsel for the defendant has handed over

two demand drafts, the details of which are as under:-

S.No.	Draft No.	Drawn On	Date	Amount
1.	000371	HDFC Bank, Priyadarshini Vihar, New Delhi-110092.	25.05.2017	Rs.5,00,000/-
2.	000373	HDFC Bank, Priyadarshini Vihar, New Delhi-110092.	25.05.2017.	Rs.5,00,000/-

4. The defendant is also present in court and affirms that she shall would abide by the terms of the MOS dated 15.05.2017.

5. However, this court is of the view that instead of keeping the demand drafts with the Registry of this court, the same be handed over to the plaintiff while recording his undertaking that the same shall not be presented unless other terms of the MOS dated 15.05.2017 are duly complied with. The Plaintiff has made a statement to the aforesaid effect.

6. In view of the above, the present suit is dismissed as withdrawn while recording the undertaking of the parties to strictly abide by the terms of the MOS.

7. The suit and all pending applications are disposed of.

VIBHU BAKHRU, J

MAY 29, 2017

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