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

+ RFA 40/2014 & C.M. Nos. 7804/2014 and 28396/2016

RITU AGGARWAL

..... Appellant

Through: Appellant in person.

versus

ANJU GUPTA

..... Respondent

Through : Mr. Praveen Aggarwal as guardian of
Master Krishna minor son of the deceased
respondent.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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31.01.2017

C.M. No. 17687/2015 (by the appellant under Order XXII Rule 4 CPC)

1. The present application has been filed by the appellant praying *inter alia* that the legal heirs of the deceased respondent to be brought on record. It has been recorded in para 3 of the application that the respondent, who was a widow, had expired on 23.6.2015, and is survived by Ms. Megha, a daughter aged 24 years and Master Krishna, a son aged 11 years. The appellant seeks impleadment of the legal heirs of the deceased respondent as she submits that her right to sue them in respect of the estate of the deceased respondent, survives in her favour.

2. Learned counsel enters appearance for Master Krishna along with his maternal uncle, Mr. Praveen Aggarwal and states that on the demise of his sister, he is acting as the natural guardian of the minor and his interest is not adverse to that of the minor.

3. As for Ms. Megha, it is stated that in her lifetime, the deceased respondent had disowned her and debarred her from her properties about three years ago, whereafter Ms. Megha had left the residential premises and none is aware of her present whereabouts. Learned counsel states that in any case, he has no objection to Ms. Megha being brought on record as one of the legal heirs of the deceased.

4. Accordingly, the application is allowed and disposed of, subject to all just exceptions.

RFA 40/2014

1. The parties in unison refer to a Settlement Agreement dated 07.12.2016 executed by them before the Delhi Mediation Centre, Karkardooma Courts, Delhi whereunder, a comprehensive settlement has been arrived at not only in respect of dispute, subject matter of the present appeal arising out of a decree dated 29.10.2013 passed in Civil Suit No. 93/2013, but also in respect of cross FIRs filed by the appellant and Mr. Praveen Aggarwal (FIRs No. 421/2014, 422/2014, PS : Seema Puri). A copy of Settlement Agreement dated 07.12.2016 is handed over by the appellant and the parties state that they shall abide by the terms and conditions of the settlement recorded by the Mediation Centre and request that the present appeal may be disposed of in terms of the settlement recorded therein.

2. In view of the fact that the parties are related to each other and have arrived at a settlement through Mediation Centre, Karkardoom Courts, Delhi, the present appeal is disposed of in terms of the Settlement dated 7.12.2016, while taking on record a copy thereof.

3. Trial court record be released forthwith.
4. The appeal is disposed of along with the pending applications.

HIMA KOHLI, J

JANUARY 31, 2017

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