

\$~3

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

+ **FAO 55/2014**

SH RAVINDER LAL KHETWANI & ORS

..... Appellants

Through: Mr. Vidit Gupta, Advocate with Mr.
Avinash Trivedi, Advocate with
appellant no.1 in person.

versus

STATE & ORS

..... Respondents

Through: Ms. Sweety Singh, Advocate for
respondent No.1.
Mr. D.V. Khatri, Advocate for
respondent Nos.2 and 3.
Mr. S.K. Rout, Advocate with Mr.
Abhinav Sharma, Advocate for
respondent Nos.4 to 6.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **13.09.2017**

C.M. No.3009/2017 (under Order 23 Rule 3 CPC) & FAO No.55/2014

1. By this application (C.M. No.3009/2017), the contesting parties being the appellant and the respondent nos.2 and 3 state that disputes between the parties have been settled in terms of the written settlement agreement dated 23.8.2017 entered into before the Delhi High Court Mediation & Conciliation Centre. It is stated that in fact there was a prior

FAO No.55/2014

page 1 of 2

settlement deed dated 17.1.2017 between the parties. Counsels for the parties state that this settlement agreement dated 23.8.2017 satisfies the requirements of Order 23 Rule 3 of Code of Civil Procedure, 1908 (CPC) as it is a written agreement signed by the parties containing the terms of the settlement.

2. Counsels for the parties state that though the original petition was a probate petition, parties agree that petition be treated as a suit for declaration as regards the validity of the Will dated 3.6.2000 of late Sh. Nanik Ram Khetwani who died on 22.10.2002 at Delhi. Accordingly, it is argued that this appeal be treated as an appeal under Section 96 CPC and by applying the provision of Order 41 Rule 33 CPC the settlement agreement be made into a decree binding between the parties. Ordered accordingly.

3. This appeal is accordingly disposed of by taking on record the settlement agreement dated 23.8.2017 and the terms of which will form a binding decree between the parties to the settlement agreement dated 23.8.2017.

4. Appeal and application are disposed of accordingly.

VALMIKI J. MEHTA, J

SEPTEMBER 13, 2017/Ne
FAO No.55/2014

page 2 of 2