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

+ CS(OS) 911/2008

NIREN MOHAN NAGPAL

..... Plaintiff

Through: Mr. Ashish Kapur and Ms. Chhavi
Luthra, Advs. with plaintiff in person.

Versus

NITIN NAGPAL & ANR

..... Defendants

Through: Mr. Virendra Rawat and Mr. Nitin M.
Nagpal, Advs. with defendants in
person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **17.01.2017**

IA No.658/2017 (of plaintiff u/O I R-10(2) CPC for dropping D-2)

1. Allowed, at the risk of the applicant/plaintiff.
2. The application is disposed of.

IA No.657/2017 (of parties u/O XXIII R-3 CPC)

3. The defendant No.2 is deleted from the array of defendants. Endorsement to the said effect be made by Court Master today itself on Memo of Parties, under his signature.
 4. The parties in this suit for partition were referred to the Mediation Cell of this Court.
 5. Mediation has been successful with the efforts of Mr. Atul Batra, Advocate / Mediator and a Settlement Agreement dated 11th January, 2017
- CS(OS) 911/2008

purported to be signed by the plaintiff as well defendant No.1 (who is now the sole defendant) and by their respective advocates and by the Mediator has been received from the Mediation Cell of this Court.

6. The counsel for the plaintiff states that he withdraws the suit.

7. I have cautioned the counsel that in the Settlement Agreement the parties have agreed that in the event they are unable to mutually sell the property, either party will move the Court for sale of the property but once the suit is withdrawn and there is no decree, the parties cannot so move the Court by way of execution and will have to file a substantive suit.

8. The counsels state that they have understood the consequences.

9. The suit is dismissed as withdrawn. The parties are left to bear their own costs.

10. The date of 15th March, 2017 is cancelled.

RAJIV SAHAI ENDLAW, J.

JANUARY 17, 2017

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