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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 849/2015

MR PARMOD KUMAR JAIN Plaintiff

Through: Mr. Niraj Kumar, Advocate.

versus

SMT KIRAN JAIN Defendant

Through: Ms. Payal Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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03.11.2017

I.A. 11270/2016 in CS(OS) 849/2015

Present suit was decreed on 25th May, 2016 in accordance with the Settlement Agreement dated 18th April, 2016 executed between the parties before the Delhi High Court Mediation and Conciliation Centre. Subsequently, the Registry of this Court informed the parties that it was difficult for them to prepare a decree sheet inasmuch as the mediation order was silent about the shares of the property which had fallen to each of the parties.

Though the present application has been filed by the plaintiff for preparation of the decree sheet, yet the counsel for parties are in agreement that the order dated 25th May, 2016 be recalled and the suit be decreed in accordance with the new joint application being I.A. 12875/2017 which has been filed on 02nd November, 2017.

This Court is in agreement with the contentions of the learned counsel for parties that as the shares of the parties have not been defined, a decree of partition cannot be drawn.

Consequently, the order dated 25th May, 2016 is recalled and the I.A. 11270/2016 stands disposed of.

I.A. 12875/2017 in CS(OS) 849/2015

With consent of parties, present application is taken up for hearing and disposal.

Present joint application has been filed under Order 23 Rule 3 read with Section 151 CPC. The same is duly signed by learned counsel for the plaintiff and defendant as well as by the parties to the litigation.

The present application is also supported by affidavits of the plaintiff and the defendant.

Both the learned counsel state that the matter has been compromised in accordance with the present Settlement application.

Both the learned counsel further assure and undertake to this Court that the parties shall comply with the Settlement terms mentioned in the present Settlement Application.

The aforesaid statements, assurances and undertakings as well as undertakings given by learned counsel for the parties are accepted by this Court and parties are held bound by the same.

This Court has also perused the compromise application and is of the opinion that the same is lawful.

Consequently, the suit is decreed in accordance with the present Settlement Application dated 02nd November, 2017, a copy of which is marked as Ex. C-1. Registry is directed to prepare a decree sheet

accordingly.

With the aforesaid observations, present application is allowed and the suit stands disposed of.

MANMOHAN, J

NOVEMBER 03, 2017

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