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

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Judgment delivered on: 27.09.2017

+ **CS(OS) 2018/2011**

VIJAYA GUPTA

.... Plaintiff

versus

RAKESH AGARWAL AND ORS

..... Defendants

Advocates who appeared in this case:

For the Plaintiff : Mr Nikhil Majithia

For the Defendant : Mr Palash Aggarwal for D-1 & 3.
Mr Saurabh Tiwari for D-2 and LRs of D-4.
Mr Beenashaw N.Soni for D-5.
Ms Rigasha Takkar for PNB.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

27.09.2017

SANJEEV SACHDEVA, J. (ORAL)

CS(OS) 2018/2011 & IA No.11480/2017(O.XXIII R.1 CPC)

1. By this application under Order XXIII Rule 1, the plaintiff seeks leave to withdraw this Suit in terms of the settlement arrived at with the defendants and as recorded in the Settlement Agreement dated 26.09.2017.

2. The plaintiff had filed the present suit for partition and permanent injunction.

3. The parties were referred to Mediation and a Settlement Agreement dated 26.09.2017 has been entered into through the process of Mediation.

4. The Settlement Agreement dated 26.09.2017 is signed by the plaintiff and the defendants. Mr Mudit Agarwal has signed the Settlement as Power of Attorney of Ms Parul Agarwal, sister of Mr Mudit Agarwal. Copy of the General Power of Attorney is also annexed with the Settlement Agreement.

5. The Settlement Agreement is taken on record and marked as Exhibit C-1.

6. I have examined the terms of the Settlement Agreement and find the same to be lawful.

7. Learned counsel for the plaintiff submits that in view of the Settlement between the parties, as recorded in Exhibit C-1, he wishes to withdraw the Suit.

8. Accordingly, the suit is dismissed as withdrawn.

9. Decree sheet be drawn up.

10. Since the Settlement has taken place through the process of Mediation, the plaintiff is entitled to seek refund of the appropriate court fees from the concerned Authority.

11. The Registry is accordingly directed to issue a Certificate

authorizing the plaintiff to seek refund of the appropriate court fees from the concerned Authority.

12. The next date of 24.10.2017 stands cancelled.

13. *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J
SEPTEMBER 27, 2017/२७

