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

+ **CS(OS) 233/2016**

**SALONI BATHLA & ORS**

..... Plaintiff

Represented by: Mr. Rajiv K. Garg and Ms.  
Kavita Rawat, Advocates.

Versus

**SH SANUJ BATHLA & ORS**

..... Defendant

Represented by: Mr. Naresh Thanai, Mr. Sujeet  
Notwal and Ms. Bharti,  
Advocates for defendant Nos. 1  
and 2.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**28.08.2017**

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**I.A. No. 9712/2017 (under Order XXIII Rule 1 CPC-by plaintiffs)**

1. By this application the plaintiffs, i.e. plaintiff No. 1 who is the mother and guardian of plaintiff Nos. 2 and 3 on behalf of herself and on behalf of plaintiff Nos. 2 and 3 seeks to withdraw the suit in view of the settlement arrived at between plaintiff No. 1 and defendant No.1, who were married to each other and proceedings for divorce by mutual consent between the parties is pending.
2. Comprehensive settlement has been noted in para 7 of the joint petition for recording first motion for divorce by mutual consent at pages 13 to 22 of the present application.

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3. Taking the settlement on record and permitting the plaintiffs to withdraw the suit with liberty to revive the suit in case the post dated cheques given in lieu of the settlement are dishonoured, application is disposed of.

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1. Parties have entered into the settlement, terms whereof have been incorporated in para 7 at pages 13 to 22 of the document annexed to IA No. 9712/2017.

2. In lieu of the settlement arrived at between the parties defendant No.1 has given 70 post dated Cheques to the plaintiff for her and for plaintiff Nos. 2 and 3. One post dated cheque is for a sum of ₹24 lakhs whereas the other 69 cheques are for a sum of ₹50,000/- each.

3. Plaintiff No. 1, who is present in court and is identified by the learned counsel on her behalf and as guardian of plaintiff Nos. 2 and 3, seeks leave to withdraw the suit with liberty to revive the same in case of dishonour of the any of the above mentioned cheques.

4. Suit is dismissed as withdrawn with liberty as prayed for.

5. Interim order dated 12<sup>th</sup> May, 2016 passed in favour of the plaintiffs and against the defendants is vacated.

6. In view of the settlement arrived at between the parties, court fee be returned to the plaintiffs in terms of Section 16A of Court Fee Act.

7. Date of 8<sup>th</sup> September, 2017 is cancelled.

**MUKTA GUPTA, J.**

**AUGUST 28, 2017/'yo'**

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