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

+ **CS(OS) 2659/2015**

SH VIJAY KUMAR

..... Plaintiff

Through: Mr. Anupam Srivastava & Ms. Niharika,
Advocates.

versus

SMT SHASHI NAG & ORS

..... Defendants

Through: Mr. Harsh Choudhary for Mr. Brijender
Dhull, Advocate for D-1 to 3.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

% **24.04.2017**

I.A. No.4786/2017

The present application has been instituted on behalf of the plaintiff under the provisions of Order XXIII Rule 1 CPC seeking leave to withdraw the accompanying partition suit, predicated on a family settlement agreement dated 01.03.2017 entered into by and between the parties thereto.

Issue notice. Mr. Choudhary, learned counsel accepts notice on behalf of the defendants.

The said family settlement dated 01.03.2017 entered into between the parties is lawful and the same is taken on record. The parties shall abide by the terms and conditions of the said settlement dated 01.03.2017, without demur.

In view of the settlement arrived at between the parties as aforesaid, learned counsel appearing on behalf of the plaintiff seeks leave to withdraw the present suit with liberty to revive the same in the event, the defendants fail to comply with the terms and conditions of the aforesaid settlement.

Leave and liberty granted.

Consequently, the application is allowed and the accompanying suit is dismissed as withdrawn and disposed of accordingly. The date already fixed in the matter, i.e., 01.05.2017 stands cancelled.

APRIL 24, 2017
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SIDDHARTH MRIDUL, J.