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

+ **CS(OS) 448/2017**

DR. RAJIV KOHLI

..... Plaintiff

Represented by: **Mr. Arun Vohra and Ms.
Aakriti Vohra, Advocates.**

versus

DR. (MS.) RAJ KOHLI & ANR

..... Defendant

Represented by: **Mr. Vineet Jhanji advocate for
defendant No. 1.
Mr. Imran Moulaey advocate
for defendant No. 2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.11.2017

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I.A. No. 12755/2017 (under Order XXIII Rule 3 CPC)

1. By this joint application the parties seek decree of the suit in terms of the family settlement arrived at between the parties. Prayers in the suit relate to the ground floor of property bearing No. 2, Golf Link, New Delhi-110003, which the parties to the present suit have accepted that neither the plaintiff nor the defendant No. 2 has any right thereon.
2. Since the settlement is in respect of the first floor and second floor of the suit property, learned counsels for the parties state that the present application be treated as one under Order XXIII Rule 1 CPC permitting the plaintiff to withdraw the suit.
3. Taking the settlement on record application is disposed of.

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1. Learned counsel for the plaintiff seeks leave to withdraw the present suit as the parties have arrived at a holistic settlement in respect of all of their disputes.
2. The settlement agreement between the plaintiff and the defendants is annexed with I.A. No. 12755/2017 as Annexure A (1) and is marked Ex-‘A’.
3. Taking the settlement on record, the suit is disposed of as withdrawn.
4. Court fee be returned to the plaintiff under Section 16A of the Court Fee Act.
5. Dates of 22nd January, 2018 before Court and 28th November, 2017 before the learned Joint Registrar are cancelled.

I.A. No. 10838/2017 (under Order XXXIX Rule 1 and 2 CPC)

Application is disposed of infructuous.

MUKTA GUPTA, J.

NOVEMBER 01, 2017
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