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

+ **CS(OS) 167/2015**

MUSKAN & OTHERS Plaintiffs

Through Mr.R.K.Burman, Advocate with
plaintiff and Guardian of plaintiff
no.2 in person.

versus

ANIL CHAWLA & OTHERS Defendants

Through Mr.Anil Chawla with Mr.Rajinder
Chawla, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **25.07.2018**

I.A.No.9551/2018

Present application has been filed under Order XXXII Rule 7 CPC by the plaintiffs. In the present application, it has been averred that plaintiff no.2 is still a minor and he is being represented in the present suit by his father as the natural guardian.

It is further averred that plaintiff no.1 and guardian of plaintiff no.2 have entered into a compromise with the defendants, under which the defendants shall pay Rs.50 lakhs in full and final settlement qua the claim of the plaintiffs for their share in the suit property.

It is also agreed that the plaintiffs shall not raise any dispute regarding the Will of the deceased Prakash Rani Chawla in favour of the defendants and the said Will is admitted by the plaintiffs. It is

further agreed that the plaintiffs shall not file any claim qua the suit property against the defendants in future.

Today learned counsel for the plaintiffs states that the defendants have paid Rs.25 lakhs each to plaintiff nos.1 and 2 in their respective bank account.

Consequently, the plaintiffs wish to withdraw the present suit.

In the opinion of this Court, the compromise is for the welfare of the minor/defendant no.2. Accordingly, the present application is allowed.

I.A.No.9550/2018

Present application has been filed by the plaintiffs under Order XXIII Rule 1 CPC for withdrawal of the present suit in terms of the compromise between the plaintiffs and the defendants by virtue of Memorandum of Understanding dated 11th June, 2018.

Accordingly, the present suit is dismissed as withdrawn.

Registry is directed to issue to the plaintiffs a certificate authorizing them to receive back from the Collector half the amount of the Court fee paid by them in the present suit.

MANMOHAN, J

**JULY 25, 2018
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