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

+ **CS(COMM) 104/2016**

PRADEEP KANODIA & ORS Plaintiffs
Through: **Mr. Tanmaya Mehta, Adv.**

Versus

ASHOK KANODIA & ORS Defendants
Through: **Mr. Anirudh Wadhwa and Mr. Vipul Kumar, Advs. for D-1,3&4.**
Ms. Aayushi S. Khazanchi, Adv. for D-2.
Mr. Shivam Singh and Mr. Udian Sharma, Advs. for D-5 to 9.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **29.11.2018**

IA No.16251/2018 (of parties u/O XXIII R-3 CPC)

1. Though the suit vide order dated 22nd March, 2018 was disposed of in terms of Memorandum of Oral Family Settlement dated 12th March, 2018, but the parties have made this application for modification of the Memorandum of Oral Family Settlement.
2. The counsel for the plaintiffs and the counsel for the defendants state that the application is signed by all the parties who had filed the earlier application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC) being IA No.3937/2018 (erroneously recorded in the order dated 22nd March, 2018 as Co.Appl. No.3937/2018).

3. Though the order dated 22nd March, 2018 was of Justice Jayant Nath, but the counsels state that there is no need for having the application placed before the same Bench.
4. The application is allowed. The settlement arrived at between the parties and in terms whereof the suit was disposed of on 22nd March, 2018, is permitted to be modified in terms of this application.
5. It is however clarified that this would not affect the liability in law qua stamp duty and registration, if any.
6. The application is disposed of.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 29, 2018

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