

\$~14.

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

+ **FAO(OS) 320/2010**

RAVINDER KUMAR GOYAL Appellant
Through Mr. Jeevesh Nagrath, Advocate.

versus

DHRUV GOYAL & ORS. Respondents
Through Mr. Dayan Krishnan, Sr. Advocate with
Mr. Shivam Sharma, Advocate for respondents
Nos. 1 to 3.
Mr. Ankit Jain & Mr. Sarvesh Rai, Advocates for
respondent Nos. 13(1) and 14.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

% **ORDER**
22.05.2018

CM No. 21567/2018

This is an application on behalf of the appellant-Ravinder Kumar Goyal for disposal of the present appeal as the appellant and the respondent Nos. 1, 2 and 3, namely, Dhruv Goyal, Ritu Goyal (Ritika Goyal) and Neera Goyal have settled the matter in terms of the oral family settlement, which was recorded in the memorandum of settlement dated 16th July, 2015. It is stated that the said terms of settlement are binding between the parties, who have signed the memorandum.

2. The application also states that the present appeal FAO (OS) No. 320/2010 is directed against the interim order dated 19th March, 2010 passed

by the learned single Judge in CS(OS) No. 420/1982 and that in terms of the said family settlement, an application CM No. 12954/2015 was filed in FAO(OS) No. 293/2015, which was disposed of vide order dated 5th August, 2015.

3. Learned counsel appearing for the appellant and the respondent Nos. 1, 2 and 3 state that the memorandum of family settlement is only binding between the parties to the memorandum, who are signatories thereto and had entered into an earlier oral settlement. This settlement is not binding on other parties. It is stated that they have no objection if this statement is recorded and incorporated in the present order. We direct and hold accordingly. We also clarify that the memorandum of settlement would not bind third persons, who are not parties to the settlement and that in no way would determine the shares of such contesting parties.

4. Counsel for the respondent Nos. 1, 2 and 3, on instructions, accepts the averments made in the application and also makes an oral prayer that the application may be allowed and the cross-objections filed by the said respondents may be treated as withdrawn and settled.

5. With the aforesaid observations, the application is allowed and the appeal is disposed of. The Cross-Objection No. 12278/2012 is also disposed of. No costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MAY 22, 2018
VKR