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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 426/2016

MS ANUSUYA SALWAN & ANR

..... Plaintiffs

Through: Ms. Manmeet Arora, Advocate
with Mr. Tarang Gupta and
plaintiff No.1 in person.

versus

MS REETA SALWAN

..... Defendant

Through: Ms. Vibha Mahajan Seth,
Advocate with Ms. Niharika Beri,
Advocate and defendant in
person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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18.04.2018

I.A. 5192/2018 in CS(OS) 426/2016

Present joint application has been filed under Order 23 Rule 3 of the Code of Civil Procedure. The same is duly signed by the learned counsel for plaintiffs and the defendant as well as parties to the litigation.

Present application is also supported by affidavits of the plaintiffs and defendant.

Both the learned counsel state that the matter has been compromised in accordance with the terms mentioned in the Settlement Application being

It is pertinent to mention that the dispute between the parties to the present suit had been referred to the Mediation by the Hon'ble Supreme Court in SLP(Civil) 27171/2017 wherein the present mediated settlement was arrived at.

Today, learned counsel for plaintiffs has handed over to learned counsel for defendant a pay order as well as two cheques mentioned in paragraph 3a and 3b of the present settlement application.

Both the learned counsel assure and undertake to this Court that the parties shall comply with the settlement terms mentioned in the joint compromise application.

The aforesaid assurances, undertakings and statements given by learned counsel for parties are accepted by this Court and the parties are held bound by the same.

This Court has also perused the settlement application and is of the opinion that the same is lawful.

Consequently, the suit is decreed in accordance with the prayers 'A' to 'G' of the plaint and in terms of the Settlement Application being I.A. 5192/2018, a copy of which is marked as Ex.C1 and additionally a decree is passed declaring the Deed of Cancellation of Will dated 02nd August, 2016 registered as document No.1144, Book No.IV, Vol.201 pages 177-180, registered on 02nd August, 2016 in the office of Sub-Registrar, SRVA, Hauz Khas, New Delhi, as null and void. The Sub-Registrar is directed to make a note with respect to the said cancellation. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to an authorised representative of the plaintiffs a certificate authorising it to receive back from the Collector full

amount of the Court fee paid by them in the present suit.

With the aforesaid observations, present application is allowed and the suit and all pending applications stand disposed of. The interim order dated 26th August, 2016 is infructuous. The next date of hearing i.e. 07th May, 2018 stands cancelled.

Plaintiffs are given liberty to seek return of the original documents after filing the certified copies of the same.

MANMOHAN, J

APRIL 18, 2018

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