

\$~19

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

+

FAO(OS)No.4/2018

%

Date of decision : 9th January, 2018

R K DUA & ANR

..... Appellants

Through : Ms. Sonali Chopra, Adv. with
appellants in person.

versus

MEERA DEWAN & ORS

..... Respondents

Through : Mr. Akshay Makhija, Adv. for
R-1.
Mr. Arjun Singh Bawa and Ms.
Vishakha Gupta, Advs. along
with R-2 & 3 in person.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This appeal has been filed by the appellants assailing the order dated 22nd November, 2017 whereby the Id. Single Judge dismissed I.A.No.13740/2017 filed under Order VII Rule 11 of the Code of Civil Procedure by the appellants who were defendant nos.4 and 5 in the suit.

2. After some hearing, Ms. Sonali Chopra, Id. counsel for the appellants contends that she would not press the appeal so far as the

challenge on merit is concerned. However, she submits that the appellants are retired pensioners and they may be granted some reduction in the quantum of costs which have been imposed by the Id. Single Judge.

3. Appearing for the plaintiff/respondent no.1, Mr. Akshay Makhija, Id. counsel for the respondent no.1 submits that he would not oppose the prayer for reduction of costs imposed on the appellants.

4. The examination of the file also shows that the suit has been filed by Ms. Meera Dewan, who is a sister of Mr. Raman Dewan and Mrs. Ritu Dewan (defendant nos.1 and 2 in the suit). Mr. Anish Malhotra (defendant no.3 in the suit) purchased the first floor of the property bearing No.B-7/2, Vasant Vihar, New Delhi-110057 from the mother of these siblings. Mr. Anish Malhotra appears to have sold the property to Mr. R.K. Dua and his wife Mrs. Om Dua (defendant nos.4 and 5 in the suit respectively).

5. Id. counsels for the parties submit that the parties would not be averse to explore the possibility of amicable resolution of their disputes by recourse to mediation. We are also of the view that given the relationship of parties and nature of their disputes, they are capable of resolving their disputes by recourse to mediation.

6. The parties shall appear before the Delhi High Court Mediation and Conciliation Centre on 17th January, 2018 at 4:00 pm. The Delhi High Court Mediation and Conciliation Centre shall assign the case to a senior mediator.

7. In view of the above, the appeal is dismissed. However, it is directed that the costs imposed by the impugned order dated 22nd

November, 2017 shall stand reduced to Rs.10,000/- which shall be paid to the plaintiff/respondent no.1 within a period of four weeks from today.

8. It is directed that the mediation agreement, if any, shall be placed on the record of CS(OS)No.360/2016 and orders passed thereon.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 09, 2018

aj



न्यायमेव जयते