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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 3133/2011**
VISHWAJEET YADAV

..... Plaintiff

Through: Mr. Manish Sangwan, Adv. with
plaintiff in person.

versus

MANOJ TANDON & ORS

..... Defendants

Through: Mr. Chirag Aneja, Adv. for D-3

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **16.12.2019**

I.As. 13370/2019 & 13372/2019

Learned counsel for the plaintiff seeks permission to withdraw these applications. The same are dismissed as withdrawn.

I.A. 16664/2019 (for delay)

This is an application filed by the plaintiff seeking condonation of 199 days delay in filing the application for substitution of legal heirs of the defendant No.3.

For the reasons stated in the application, the delay of 199 days in filing the application for substitution of legal heirs of the defendant No.3 is condoned.

Application stands disposed of.

I.A. 16665/2019

This is an application filed by the plaintiff for bringing on record the legal heirs of the deceased defendant No.3. Para 4 of the application states

that the defendant No.3 has left behind the following legal heirs:

- a. Smt. Meena Kukreja (wife)
- b. Smt. Jasika Kukreja (daughter)
- c. Sh. Kapil Kukreja (son)
- d. Sh. Ankit Kukreja (son)

The payer as made is not opposed by the learned counsel appearing for the legal heirs of defendant No.3. Accordingly, the application is allowed and the legal heirs of the defendant No.3 are brought on record. Amended memo of parties is taken on record.

Application stands disposed of.

CS(OS) 3133/2011, I.A. 15795/2018

1. Learned counsel for the parties state that the parties were relegated to the mediation process vide order dated November 20, 2018. I have been informed that Sh. Avtar Kukreja had died during the mediation process. I have also informed that the defendant No.1 Sh. Manoj Tandon was proceeded *ex-parte* on January 19, 2015, even defendant No.2 namely Smt. Geetu Tandon, wife of defendant No.1 has since been deleted from the array of parties.

2. Learned counsel for the parties state that there is no impediment for the plaintiff and Smt. Meena Kukreja to enter into a settlement before Delhi High Court Mediation and Conciliation Centre. I find that the Delhi High Court Mediation and Conciliation Centre has filed a settlement report dated August 08, 2019 along with Memorandum of Understanding dated July 18, 2019 (Annexure A) entered between the plaintiff and Smt. Meena Kukreja. Learned counsel for the parties state that the suit be disposed of in terms of settlement agreement dated August 08, 2019 / Memorandum of

Understanding dated July 18, 2019.

3. Learned counsel for the parties have also shown the affidavit(s) filed by Smt. Jasika Kukreja (daughter), Sh. Kapil Kukreja (son) and Sh. Ankit Kukreja (son) stating that they have no objection if the suit is decreed in terms of the compromise dated July 18, 2019. They are also present in the Court and identified by their counsel and acknowledged the fact of filing the affidavit(s) on the aforesaid terms.

4. Noting the aforesaid, the suit and connected application are disposed of in terms of settlement agreement executed before the Delhi High Court Mediation and Conciliation Centre dated August 08, 2019 along with Memorandum of Understanding dated July 18, 2019. Learned counsel for the parties state that the parties shall adhere to the terms of the settlement. Their statements are taken on record.

5. Since the Suit has been settled through mediation process, the plaintiff shall be entitled to refund of court fee under Section 16 of the Court Fee Act, 1870.

V. KAMESWAR RAO, J

DECEMBER 16, 2019/aky