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

+ **CS (OS) 182/2020**

PRANEETA SUKANYA KAPUR .....Plaintiff

Through Mr. Dinesh Garg with Ms. Rachna  
Aggarwal, Advs.

versus

GUNMALA KAPUR & ORS. ....Defendants

Through Ms. Vandana Bhatnagar, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **21.07.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

**I.A. No. 5834/2020**

1. This is a joint application filed by the parties under Order XXIII Rule 3 and 3A read with Section 151 of the CPC for bringing on record the settlement arrived at amongst them.
2. The terms of settlement are contained in paragraph 5 of the captioned application. According to the assertions made in the application, the terms of settlement are identical to the Deed of Memorandum of Settlement dated 20.02.2020 [in short "MOS"], whereby the oral family settlement was set down in writing.
3. In sum, the parties have moved away from a Will dated 14.07.2004 propounded by the plaintiff which was executed in her favour by the testatrix i.e. Ms. Madhu Malik concerning the immovable property described as A-38, Defence Colony, New Delhi, admeasuring 216.66 sq. yds.

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4. It is averred that the testatrix died on 20.05.2016.
5. To be noted, the captioned application was filed pursuant to the instant suit filed by the plaintiff which, in effect, sought enforcement of the aforementioned MOS. Before the suit could be registered and summons in the suit could be issued to the defendants, as indicated hereinabove, the parties have arrived at a settlement.
6. The captioned application bears the signatures of the parties as also the signatures of the advocates who represent them.
- 6.1 Counsel for the parties have also filed their *Vakalatnamas*, which, I am told, are signed by the respective parties.
- 6.2 The captioned application is also accompanied by affidavits of the parties.
7. I have perused the captioned application as also the terms of settlement. The terms of settlement are lawful.
8. Therefore, as prayed, the suit is decreed in terms of the settlement arrived at amongst the parties as reflected in paragraph 5 of the captioned application read with the aforementioned MOS.
9. The captioned application along with the MOS will form part of the decree.
10. The Registry will draw up a decree accordingly.
11. The captioned application along with MOS will be marked as Exhibit - A & B respectively.
12. Since the suit has been settled in the very first instance, the plaintiff ought to be entitled to a refund of the entire court-fee. It is ordered accordingly.

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12.1 The Registry will take requisite steps in that behalf.

13. The captioned application is disposed of in the aforementioned terms.

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14. In view of the order passed in I.A. No.5834/2020, the suit is disposed of in terms of what is stated hereinabove *qua* the said application.

15. The suit shall stand consigned to record.

**RAJIV SHAKDHER, J**

**JULY 21, 2020**

pmc/KK

*Click here to check corrigendum, if any*

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