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

+ CS(OS) 453/2019 with I.A. 12150/2019 & I.A. 18370/2019

DALIP KUMAR Plaintiff

Through: Mr.B.P.Singh, Advocate with LRs
of Plaintiff.

versus

SANTOSH KUMAR Defendant

Through: Ms.Yamini Rana, Advocate

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.02.2020**

1. The present suit for partition was filed by the original plaintiff against the defendant, who is his brother. During the pendency of the suit, the plaintiff passed away on 16.11.2019. By an order of the Joint Registrar dated 23.12.2019, the application for substitution of the plaintiff was allowed, and the plaintiff was substituted by his legal heirs, namely his wife-Smt. Renu Aggarwal; his son-Sh.Abhinav Aggarwal; his daughter-in-law-Smt.Divya Aggarwal, who is the wife of Sh.Abhishek Aggarwal [pre-deceased son of the original plaintiff]; Baby Mehak Aggarwal, daughter of late Sh.Abhishek Aggarwal, who is represented by her mother-Smt.Divya Aggarwal; and his daughter Smt.Shweta Mittal.

2. The parties were referred to mediation by an order dated 07.01.2020, and were able to successfully resolve their disputes. Learned counsel for the parties state that a settlement agreement dated 18.01.2020 has been entered into between them. A copy of the settlement agreement has also been placed on record. The terms of the settlement between the parties are contained in paragraph 6 of the settlement agreement. It is signed by all the parties. Smt.Renu Aggarwal has signed the agreement,

both on her own behalf and as constituted attorney of Smt.Shweta Mittal. Smt.Divya Aggarwal has signed the agreement on her own behalf and on behalf of her daughter-Baby Mehak Aggarwal, as her mother and natural guardian. The settlement agreement has also been signed by learned counsel for both the parties as well as the learned mediator.

3. Learned counsel for the parties pray that a decree be passed in terms of the settlement agreement.

4. Having regard to the submissions of the counsel and the material placed on record, I do not find any impediment to the passing of a decree as sought. The suit is accordingly decreed in terms of the settlement agreement dated 18.01.2020. Decree sheet be prepared accordingly.

5. Learned counsel for the plaintiff requests that although the original title documents of the suit property remain with the defendant, in the event the plaintiffs require the same, the defendant may be directed to make the same available to the plaintiffs. Learned counsel for the defendant states, upon instructions from the defendant, who is present in Court, that the defendant undertakes to provide the title documents to the plaintiffs as and when required.

6. As the parties have entered into a mediated settlement, the plaintiffs are entitled to refund of court fees under Section 16 of the Court Fees Act, 1870. The Registry is directed to issue a certificate to this effect.

7. The suit and pending applications stand disposed of in these terms.

PRATEEK JALAN, J

FEBRUARY 05, 2020/ 'hkaur' /s