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

% ***Date of decision:20.07.2021***

+ **CS(OS) 304/2020 & IA. No. 9224/2020**

SH. ROHIT VIRMANI Plaintiff

Through: **Mr. R.K. Sachdeva, Advocate**

Versus

BRIG. (RETD.) BRIJESH VIRMANI & ORS. Defendants

Through: **Mr. Manish Kumar Singh, Advocate**
for defendants No.1 to 3

Ms. Sumita Hazarika, Advocate for
respondents No. 4 to 6

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

The hearing has been conducted through video conferencing.

I.A. 8643/2021 (u/O 23 R 3 r/w Sec. 151 CPC)

1. This suit for declaration, partition and permanent injunction against the defendants in respect of suit property- House bearing No. A-10, comprising ground floor, first floor and second floor, measuring 773 sq. yards, situated at Nizamuddin (West), New Delhi, stands settled between the parties, which has led to filing of the joint application under Order 23 Rule 3 of the CPC, which is duly signed by the parties and their respective counsels

and is also accompanied by the affidavits of the plaintiff and defendants.

2. Learned counsel for the parties submit that the dispute *inter se* parties has been amicably resolved in terms of Memorandum of Family Settlement dated 29.04.2021, wherein the parties have recorded the terms and conditions with regard to their share, rights, title and interests in the suit property. It is also submitted that the parties and their legal heirs shall be bound by the terms of aforesaid Memorandum of Family Settlement and, therefore, prayed that this suit be decreed in terms thereof.

3. Heard.

4. Parties to the present suit are present through video conferencing and they have affirmed the factum of settlement in terms of Memorandum of Family Settlement dated 29.04.2021 with regard suit property in question.

5. In view of the above, the aforesaid Memorandum of Family Settlement dated 29.04.2021 accompanying this application is taken on record. The said Memorandum of Family Settlement has been duly signed by all the parties and so, this Court finds that the settlement arrived at is valid and lawful. Accordingly, the suit stands decreed in terms and conditions mentioned in the Memorandum of Family Settlement dated 29.04.2021, which shall form part of decree. Decree sheet be accordingly

drawn.

6. With aforesaid directions, the present application is disposed of.

CS(OS) 304/2020 & IA. No. 9224/2020 (u/O 39 R 1 & 2 CPC)

7. In view of order passed in IA No. 8643/2021, the suit stands decreed in terms mentioned in the Memorandum of Family Settlement dated 29.04.2021. Decree sheet be accordingly drawn.

8. With aforesaid directions, the suit and pending application are accordingly disposed of.

**(SURESH KUMAR KAIT)
JUDGE**

JULY 20, 2021

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