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

+ **CS(OS) 616/2018 & I.A. 11513/2021**

RAHUL SINGLA & ANR. Plaintiffs

Through: Mr.Aman Bhalla, Adv.

versus

MANISH GUPTA Defendant

Through: Mr. Gaurav Kejriwal & Mr.
Gaurav Choudhary, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

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09.09.2021

**I.A. 11513/2021 (under Order XXIII, Rules 1 & 2 of the CPC, 1908
– for withdrawal of the suit)**

1. This is an application under Order XXIII, Rules 1 & 2 of the CPC, 1908, for withdrawing the suit, as in view of the settlement that has been arrived at between the parties. The terms of settlement, as provided in Para 3 of the application are the following:

“During the pendency of the present proceedings, with the intervention of family and friends, the parties i.e. the plaintiffs and the Defendants have been able to amicably resolve their disputes and such terms of Settlement has been recorded in a Settlement Deed dated 07.09.2021 jointly signed by the parties, which inter-alia provides as under:

a. The Defendants have agreed to pay an amount of Rs. 11,00,000/- (Rupees Eleven Lakhs Only) to the Plaintiffs i.e. Rs. 5,50,000/- (Rupees Five Lakh Fifty Thousand) only each to Plaintiff No.1 and Plaintiff No. 2 respectively in full and final

settlement of all their claims in C.S. (OS) No. 616 of 2018 pending before the Hon'ble High Court of Delhi at New Delhi. The Demand Drafts would be handed over by the Defendants to the Plaintiffs before the Hon'ble High Court at the time of listing of the Joint Application for Withdrawal of the present suit.

b. The Plaintiffs have agreed to withdraw the present suit filed by them being C.S. (OS) No. 616 of 2018 pending before the Hon'ble High Court of Delhi at New Delhi against the Defendants in view of the compromise recorded herein. The Plaintiffs agree that upon receipt of the aforesaid payment of Rs. 11,00,000/- the Plaintiffs shall have no claims whatsoever either against the Defendants or in respect of the Suit Property.

c. The Parties hereto agree that the Agreement to Sell as well as the Receipts dated March 19, 2018 and December 21, 2017 stand cancelled and the Plaintiffs agree that they have no surviving claim, rights, title or interest of any nature in respect of the Suit Property and right, title or interest, if any, in favour of the Plaintiffs, stands fully extinguished, discharged, rescinded and that the Defendants herein are free to deal with or dispose of the said property in the manner they deem fit and proper.

d. The Plaintiff hereby agrees to forthwith withdraw C.S. (OS) No. 616 of 2018 pending before the Hon'ble High Court of Delhi by filing a Joint Application to bring on record the present Settlement Deed in the present Suit and for withdrawal of the present suit. Such application shall be filed within 3 days of signing of the present Settlement Deed.

The said Settlement may be treated as part of the present application and the present suit be disposed off in terms thereof. A copy of the said Settlement Deed dated 07.09.2021 is annexed hereto as DOCUMENT:- A-1."

2. Both sides agree to be bound by the aforesaid terms of settlement.

3. As such, nothing survives for adjudication in the suit. The suit is accordingly decreed in accordance with the terms of settlement set out

hereinabove.

4. The Registry is directed to prepare a Decree Sheet in accordance therewith.

5. Interim orders passed shall stand vacated.

C.HARI SHANKAR, J

SEPTEMBER 9, 2021

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HIGH COURT OF DELHI



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