

\$~30(2021)

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

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Date of decision: 22.11.2021

+ CS(OS) 2832/2015

URVASHI KUMAR

..... Plaintiff

Through: Mr. K.C. Kaushik, Advocate with
plaintiff in person

Versus

SANJEEV RAI

.....Defendant

Through: Ms. Purnima Maheshwari, Advocate

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

IA No. 15117/2021(u/O XXIII R 1 r/w Sec. 151 CPC)

1. In the present suit for partition and declaration with respect to property at bearing No. P-86, New Delhi South Ext.- Part-II, New Delhi-110049 admeasuring 250 sq. yds and built up area of 150 sq. yds with ground floor and first floor, the present application has been filed by the plaintiff seeking withdrawal of the same.

2. At the hearing, learned counsel appearing on behalf of plaintiff has submitted that the parties to the present suit are related to each other and with the intervention of well wisher of the parties, the subject matter of dispute stands amicably resolved.

3. Notice issued.

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4. Ms. Poornima Maheshwari, Advocate, accepts notice on behalf of defendant and she has affirmed the submission advanced on behalf of plaintiff.

5. Learned counsel for defendant submits that in terms of settlement, defendant- Sanjeev Rai has agreed to pay amount of Rs. One Crore to plaintiff towards full and final settlement in respect of suit property.

6. Today, learned counsel for defendant has handed over a demand draft bearing No. 502770, dated 09.11.2021, amounting to Rs. One Crore, drawn on ICICI Bank, Branch South Extension, New Delhi to plaintiff, who is present in the Court and she has accepted the same.

7. Learned counsel for plaintiff on instructions submits that now no dispute with defendant survives and therefore, seeks permission of the Court to withdraw the present suit.

8. At this stage, learned counsel for defendant submits that in terms of settlement arrived at between the parties, defendant shall also withdraw the counter claim. Learned counsel further submits that pursuant to order dated 26.02.2016, defendant had placed on record certain documents in a sealed envelope, which are lying with the Registry and the same be returned to the defendant.

9. Learned counsel for plaintiff on instructions submits that there is no opposition to the aforesaid submission made on behalf of defendant.

10. In view of the submissions made by learned counsel representing both the sides, the present application is allowed. Plaintiff is permitted to withdraw the present suit and defendant is permitted seek return of documents filed in sealed cover in this case.

11. With aforesaid, the present application is accordingly disposed of.

**CS(OS) 2832/2015 & IA No. 1773/2020 (u/O XXVI R 10A r/w Sec. 151
CPC)**

12. In view of orders passed in IA No. 15117/2021, the present suit is dismissed as withdrawn. Pending application, if any, stand disposed of as infructuous.

13. On an application being filed by the defendant, Registry shall return the documents which were filed by the defendant in a sealed cover pursuant to order dated 26.02.2016 after retaining certified copy thereof on record of this case.

NOVEMBER 22, 2021

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**(SURESH KUMAR KAIT)
JUDGE**