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

% Judgment delivered on: 08.02.2023

+ CM(M) 186/2021 & CM APPL.8628/2021

ZAFAR ALI & ANR Petitioners

versus

DR. SMT. NIRMALA G. JOSEPH & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Akhil Sachar & Mr. Sangram Singh,
Advocates.

For the Respondents : Mr. Rajiv Kumar Tomar, Advocate.
Mr. Rajeev Sood and Mr. Ambuj Saraswat,
Advocate for Purchasers along with
Purchaser Nos. 1 and 2 in person.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]
CM APPL. 5621/2023 (under Order XXIII Rule 3 of the CPC, 1908)

1. This is a joint application filed on behalf of the parties seeking passing of a consent decree in terms of the compromise arrived at between the parties *vide* the Memorandum of Settlement dated 20.12.2022.

2. The application is supported with an affidavit of the concerned parties. The photocopy of the Memorandum of Settlement dated 20.12.2022, stated to have been signed by all the parties is duly

appended with the present application.

3. The original Memorandum of Settlement dated 20.12.2022 has been perused by this Court and appears to be in order and lawful.

4. Learned counsel for the parties submit that the original Memorandum of Settlement may be required for the incidental purposes with the concerned local authorities and submit that the photo copy of the same may be kept on record.

5. In view of the above submissions, the copy of the Memorandum of Settlement dated 20.12.2022 is taken on record and same is exhibited as Ex. A (OSR).

6. The parties are present in person, whose identity cards have been scrutinized and the self attested photo copies of the identity cards of the parties alongwith POA, SPA and GPA in favour of respondent No.1, have been handed over to the Bench and the same are taken on record and the same are duly exhibited as Ex. B (Colly) (OSR).

7. The parties jointly submit that the Memorandum of Settlement is the true reduction of the terms of compromise as entered between all the parties and there is no misstatement or mis-representation therein and all the parties have, after going through the covenants, appended their signatures thereto.

8. It is jointly submitted that Mr. Anil Saraswat and Mrs. Geeta Devi are the purchasers No.1 and 2 of the aforesaid suit property. The identity cards and statements of Mr. Anil Saraswat and Mrs. Geeta Devi are also taken on record. They shall also be bound by the Memorandum of Settlement dated 20.12.2022.

9. Learned counsel also submits that apart from the Memorandum of

Settlement there are four more terms of settlement, which have been produced into writing and made part of para 3 of the aforesaid application.

10. The parties jointly submit that this too may be incorporated as a part of the Memorandum of Settlement dated 20.12.2022 and a composite consent decree be passed thereon.

11. All the parties to the settlement have also appended their signatures to every page of the present application, which is supported with their respective affidavits.

12. The terms from (a) to (d) of para 3 of the aforesaid application are also directed to be incorporated as part of Memorandum of Settlement dated 20.12.2022.

13. The parties are bound by the statements made therein as well as the MOU dated 20.12.2022.

14. In view of the above, the consent decree may be drawn up by the Registry.

15. In view of the aforesaid, suit number bearing CS No.179/2019 along with the counter claim bearing Counter Claim No.469/2005 is disposed of in above terms.

16. With the aforesaid direction, the application along with present petition stands disposed of.

17. The next date i.e. 09.05.2023 stands cancelled.

18. Copy of this order be sent to learned Trial Court for necessary compliance.

TUSHAR RAO GEDELA, J .

FEBRUARY 8, 2023

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