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

+ **CS(OS) 111/2024**

SHRI NAVEEN AGGARWAL

.....Plaintiff

Through: Mr. Pankaj Gupta, Advocate

versus

SHRI MAHENDER SINGH AND ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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22.07.2024

I.A. 33072/2024 (under Order 1 Rule 10 read with Section 151 CPC seeking impleadment of Smt. Prem Wati and Smt. Parmjeet and deletion of name of defendant no. 1 – Sh. Mahender Singh) (Disposed of)

1. Learned counsel appearing on behalf of the plaintiff submits that the abovenoted application was filed by the plaintiff seeking impleadment of Smt. Prem Wati and Smt. Parmjeet and deletion of Sh. Mahender Singh as defendant no. 1.
2. He submits that Sh. Mahender Singh during his life time has executed gift deeds in favour of his two daughters-in-law, namely, Smt. Prem Wati and Smt. Parmjeet. Accordingly, an application seeking impleadment of said two donees was made.
3. He submits that though the application was allowed by the learned Joint Registrar *vide* order dated 12.07.2024 and a direction was given to implead Smt. Prem Wati and Smt. Parmjeet, however, the consequential



direction to delete the name of Sh. Mahender Singh, who has been arrayed as defendant no. 1, was not given.

4. He submits that after the execution of the gift deeds, the defendant no. 1 has no share left in the suit property. This position is also affirmed by the learned counsel appearing on behalf of the defendants.

5. In view of the above, it is directed that the name of defendant no. 1 be deleted from the array of defendants.

6. Let the amended memo of parties be filed within a period of one week.

I.A. 33908/2024 (under Order XXIII Rule 3 read with Section 151 CPC for decree in terms of mediation settlement agreement dated 12.07.2024)

7. This is a joint application filed on behalf of plaintiff and defendant. It is pointed out that during pendency of the suit the matter was referred to mediation on 12.07.2024 and with the assistance of the Mediator and the counsels for the parties, a settlement was arrived at between the parties on the same date, terms whereof were reduced in writing in the form of a settlement agreement dated 12.07.2024, which has been annexed to the present application.

8. It is submitted that in terms of the said settlement, the suit property has been partitioned and the partition is so reflected in the site plan attached to the settlement, which is also annexed with the application.

9. The settlement is in writing and has been signed by all the parties to the suit as well as their respective counsels. The application is also supported by the affidavit of the respective parties.

10. In view of the above, there is no legal impediment in passing the decree in terms of the said settlement.



11. The parties to the suit shall remain bound by the terms of the settlement.
12. Let decree be drawn in terms of the settlement. The settlement as well as site plan shall form part of the decree.
13. Learned counsels appearing on behalf of the parties submit that all the necessary formalities shall be complied with within a period of two weeks. Registry is also directed to expedite the preparation of decree, preferably within a period of two months after completion of all necessary formalities by the parties.
14. The suit stands disposed of in the above terms along with all the pending application(s), if any.

JULY 22, 2024
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VIKAS MAHAJAN, J