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

+ **CS(OS) 274/2021**

ANIL KUMAR ATREE & ORS.

.....Plaintiffs

Through: Ms. Malvica Satija, Advocate with
plaintiff nos. 1,2 and LR's of plaintiff
no. 3 in-person.

versus

MUKESH ATREE & ANR.

.....Defendants

Through: Mr. Pawan K. Bahl, Advocate with
D-1 and D-2 in-person.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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24.12.2024

I.A. 49583/2024 (for recording of the settlement)

1. The present application under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 (hereafter 'CPC'), has been filed on behalf of the plaintiffs, *inter-alia*, seeking the following relief:

- "a) Please to record the settlement as mentioned in Annexure A
- b). Allow the plaintiff to withdraw the present suit"

2. At the outset, the learned counsel appearing for the plaintiffs submits that plaintiff no. 3 has unfortunately passed away.

3. This Court has heard learned counsel appearing on behalf of both the parties.



4. Sh. Anil Kumar Atree (plaintiff no. 1), Sh. Umesh Atree (plaintiff no. 2), Ms. Vanya Atree and Mr. Shubham Atree, legal representatives of Sh. Manoj Atree (plaintiff no. 3- since deceased) are present before this Court in-person, and have been duly identified by their counsel Ms. Malvica Satija.
5. Sh. Mukesh Atree (defendant no. 1) and Sh. Rakesh Atree, (defendant no. 2) are present before this Court in-person, and have been duly identified by their counsel, Mr. Pawan K. Bahl.
6. The parties have also handed-over self-attested copies of their Aadhar Card. Let the same be placed on record.
7. The learned counsel appearing on behalf of the parties jointly submit that during the pendency of the present suit, the parties have amicably resolved the dispute. A settlement agreement dated 10.12.2024, along with affidavit, under Order XXIII Rule 3 read with Section 151 of CPC duly signed by the plaintiffs and defendants and their respective counsels, has been filed on record. Parties agree that they have understood the terms of the settlement. They pray that the present suit be disposed of in terms of the settlement stated above.
8. The terms of the Settlement Agreement dated 10.12.2024, are set out below:



The present Settlement Agreement is executed on **10th day of December 2024** in New Delhi between:

ANIL KUMAR ATREE, aged 67 years, s/o late Sh. Manohar Lal Atree r/o Flat No. 10, Tower-A, 461 Masjid Moth, New Delhi - 110049 (hereinafter referred to as a First Party)

AND

UMESH ATREE, aged 65 years, s/o late Sh. Manohar Lal Atree r/o B-5/4037, Vasant Kunj, New Delhi - 110070 (hereinafter referred to as a First Party)

AND

MANOJ ATREE (Deceased) through his legal heirs:

SUMAN ATREE (Wife) aged 62 years,

SHUBHAM ATREE (Son) aged 29 years,

VANYA ATREE (Daughter) aged 27 years



All residents of Flat No. 5, Tower-A, 461 Masjid Moth, New Delhi - 110049 (hereinafter referred to as a First Party)

AND

MUKESH ATREE, aged 68 years, s/o late Sh. Manohar Lal Atree, r/o Flat No. 9, Tower-A, 461 Masjid Moth, New Delhi - 110049 (hereinafter referred to as a Second Party)

AND

[Handwritten signature of Mukesh Atree]
[Handwritten signature of Suman Atree]

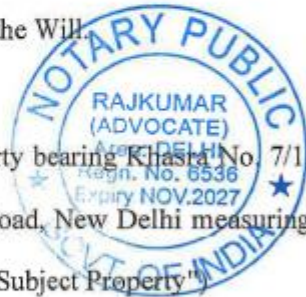
[Handwritten signature of Anil Kumar Atree]
[Handwritten signature of Umesh Atree]
Suman Atree
Vanya Atree
[Handwritten signature]



RAKESH ATREE, aged 69 years, s/o late Sh. Manohar Lal Atree, r/o Flat No. 7, Tower-A, 461 Masjid Moth, New Delhi - 110049 (hereinafter referred to as a Second Party).

THAT the parties are legal heirs of late Smt Usha Rani w/o late Sh. Manohar Lal Atree, the Subject Property was owned by their Mother late Smt. Usha Rani who left for her heavenly abode on 09.01.2019 leaving behind a Will dated 09.12.2018 (hereinafter referred to as a Will). As per the Will of late Smt. Usha Rani all the immovable and movable properties were distributed amongst the family members including the Subject Property. As per the Will the Subject Property fell into the share of all the Five Sons i.e., the Plaintiffs and Defendants in equal proportion. The Will dated 09.12.2018 was duly accepted by all the beneficiaries & was never challenged before any Court of Law, acting upon the said Will all the immovable and movable properties have been distributed as per the Will.

THAT one of the properties under the Will is Property bearing Khasta No. 7/1, Village Satbari, Chattarpur Mandir - Fatehpurberi Road, New Delhi measuring around 1890 sq. yds. (hereinafter referred to as the "Subject Property")



THAT in November 2020, some dispute arose between the parties which led to the FIRST PARTY(S) filing a Civil Suit No. C.S (OS) 274 of 2021 before the Hon'ble High Court of Delhi at New Delhi.



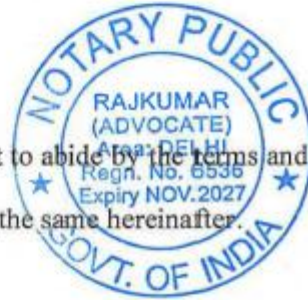
THAT during the pendency of the Suit, the Parties have settled their disputes and acknowledge the respective share of each other. It has been agreed that all the Parties to the present agreement will have one-fifth share in the said property.

THAT the Parties have agreed to sell the subject property.

THAT the Parties have arrived at a settlement without any pressure, coercion, or misrepresentation. The parties have arrived at a settlement with mutual consent.

THAT the Parties have been made to understand the contents of the present Settlement Agreement in their vernacular language and they admit the same to be true and correct.

THAT the Parties undertake before the Hon'ble Court to abide by the terms and conditions set out in the agreement and not to dispute the same hereinafter.



IN THE PRESENCE OF THE FOLLOWING WITNESS THE PARTIES HAVE PUT THEIR SIGNATURES

ANIL KUMAR ATREE

Anil Kumar Atree

UMESH ATREE

Umesh Atree

WITNESS

1).

[Signature]

KANU ATREE
Dwarka 7, Tower-A
461 H.M.O.
N.D-46

Anil Kumar Atree

Suman Atree

[Signature]

[Signature]
[Signature]

[Signature]



9. In view of the above, by way of the present application, the learned counsel appearing on behalf of the plaintiffs seeks permission to withdraw the present suit, leaving the parties to bear their own costs.

10. Accordingly, the present application stands allowed.

CS(OS) 274/2021

11. In view of the order passed in I.A. 49583/2024, the present suit is dismissed as withdrawn.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

DECEMBER 24, 2024/at

Click here to check corrigendum, if any