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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 277/2021**
SNEHA SRIVASTAVAPlaintiff

Through: Plaintiff in person through VC

versus

AMITA SINHADefendant
Through: Mr.Bharat Garg, and Mr.Divisnt
Kaushik, Advocates for D-1, 4 and 5

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **07.10.2024**

I.A. No. 41472/2024 (U/O 23 Rule 3 CPC Jointly by parties)

1. The present application has been filed jointly by the parties, i.e., plaintiff as well as defendant No.1 seeking to place on record the settlement agreement dated 14.08.2024 for disposing of the suit in terms of the said settlement.
2. The plaintiff has joined the proceedings through video conferencing. The defendant Nos. 1, 4 and 5 have also joined the proceedings through video conferencing. They are also represented by their counsel, who is present in the Court.
3. Learned counsel appearing on behalf of the defendants informs that defendant No.2 was proceeded against *ex parte* by this Court *vide* order dated 12.10.2021.
4. He submits that the application filed by the defendants under Order VII



Rule 10 & 11 of the CPC was partly dismissed by this Court against which an appeal being FAO(OS) 142/2022 and FAO(OS) 143/2022 were preferred by the defendants.

5. He submits that during the pendency of the said appeals the parties were referred to mediation under the aegis of Delhi High Court Mediation & Conciliation Centre *vide* order dated 23.04.2024. He submits that in the mediation, the parties arrived at a settlement, the terms whereof were reduced in writing in the form of settlement dated 14.08.2024, a copy of which has been annexed with the present application.

6. He submits that the dispute is essentially with regard to the assets left behind by Late Ritesh Kumar Singh. Therefore, the plaintiff, i.e. wife of late Ritesh Kumar Singh and defendant No.1 i.e. the mother of Late Ritesh Kumar Singh are the main contesting parties.

7. In reply to a specific query raised by this Court, the defendants No.4 and 5 who have joined the proceedings through video conferencing, submit that they have no objection in case the suit is decreed in terms of the settlement. Their statement is taken on record.

8. I have perused the settlement agreement dated 14.08.2024 which has been signed by the plaintiff, as well as, the defendant No.1. A perusal of the said settlement shows that the same is lawful therefore there is no impediment in decreeing the suit in terms of the said settlement. The parties shall remain bound by the settlement.

9. Accordingly, the suit is decreed in terms of the settlement dated 14.08.2024, which shall form part of the decree.

10. At this stage, the plaintiff, who is appearing through video conferencing, prays for refund of Court Fee. Considering that the dispute



between the parties was referred to the Mediation which is one of the mode of alternative dispute resolution prescribed under Section 89 of the Code of Civil Procedure, this court is of the opinion that the plaintiff is entitled to refund of entire Court Fee in terms of Section 16 of the Court Fees Act.

11. Accordingly, the Registry is directed to issue a certificate for the refund of entire Court Fee.

12. The application stands disposed of.

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13. In view of the order of even date passed in IA No. 41472/2024, the present suit, along with pending applications, if any, are disposed of.

14. The date already fixed i.e. 18.10.2024 stands cancelled.

VIKAS MAHAJAN, J

OCTOBER 7, 2024
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