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

+ **CS(OS) 384/2023, I.A. 11546/2023 & I.A. 16046/2023**

RISHA NAIK AND ANR

.....Plaintiff

Through: Ms. Radhika Bishwajit Dubey with
Ms. Ananya Sikri, Advocates with
plaintiff nos. 1 and 2 (through VC)

versus

ALLADI YASIN SHAIKH AND ORS

.....Defendant

Through: Mr. Jai Wadhwa, Advocate for D-1 to
D-4 with Defendant no. 1 (through
VC)

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Date of Decision: 11th July, 2024

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T(ORAL)

I.A. 33051/2024 (for exemption)

1. The application for exemption is allowed for the reasons stated in the said application.
2. The application stands disposed of.

I.A. 33050/2024 (under Order XXIII Rule 3 r/w Section 151 of the Code of Civil Procedure, 1908 for taking on record the Settlement Agreement dated 19.03.2024 executed between the plaintiffs and defendant nos. 1 to 4)

3. This is an application filed by the plaintiffs and defendant nos. 1 to 4 jointly for taking on record the Settlement Agreement dated 19.03.2024 executed between the said parties. The parties were referred to SAMADHAN (Delhi High Court Mediation and Conciliation Centre) *vide*



order dated 06.12.2023. As per the report received from the Mediator, the parties have amicably resolved all their disputes and have entered into a Settlement Agreement dated 19.03.2024. The present application has been filed with a prayer that the suit be disposed of in terms of the said Settlement Agreement and the terms of the said Settlement Agreement be made part of the decree.

4. It is stated in the present application that defendant nos. 3 and 4 are minors who are represented through their mother i.e., defendant no. 1 herein and parties have consented that defendant no. 1 be appointed as the legal guardian of defendant nos. 3 and 4 to give effect to the Settlement Agreement.

5. Defendant no. 1 has joined the proceedings through video conferencing and confirms that she has signed the said Settlement Agreement for and on behalf of herself and defendant nos. 3 and 4. She states that she understands the terms of the agreement and agrees to abide by the same.

6. The plaintiffs have also joined the proceedings through video conferencing link and they confirm the execution of the Settlement Agreement and undertake to remain bound by the terms thereof.

7. Learned counsel for the plaintiffs states that in terms of Clause 16 of the Settlement Agreement, with regard to the obligation of payment of the first instalment amount of Rs. 1 Lakhs to the defendants, the Demand Draft (DD) for the said amount has been handed over to the counsel for defendant nos. 1 to 4.

8. This Court has perused the Settlement Agreement dated 19.03.2024 and is satisfied that the same is lawful. Accordingly, in the interests of



justice, the prayer of the parties in terms of prayer (b) is hereby granted and defendant no. 1 is appointed as the legal guardian of defendant nos. 3 and 4 for the purpose of execution of the said Settlement Agreement and recording of the compromise hereinabove.

9. Further, the application is hereby allowed and the suit is disposed of in terms of the Settlement Agreement dated 19.03.2024 and the Registry is directed to draw up a decree in terms thereof.

10. Learned counsel for the plaintiff states that in view of the fact that the parties have arrived at a settlement, she prays for refund of the entire Court fees of Rs. 2,00,400/- (Rupees Two Lakh and Four Hundred Only) in terms of Section 16 of the Court Fees Act, 1870 read with Section 89 of CPC.

11. In view of the aforesaid settlement, prayer (c) of the captioned application is hereby allowed.

12. Learned counsel for the plaintiff states that she does not claim any reliefs against defendant no. 7 and defendant no. 7 is hereby accordingly deleted from the array of parties. Learned counsel for the plaintiff is directed to file an amended memo of parties within one week.

CS(OS) 384/2023, I.A. 11546/2023 (under Order XXXIX Rules 1 and 2 CPC & I.A. 16046/2023 (under Order XXXII Rule 3 CPC)

13. The present suit is decreed in terms of the Settlement Agreement. All pending applications stand disposed of. The next date of hearing is cancelled.

MANMEET PRITAM SINGH ARORA, J

JULY 11, 2024/msh/XMG