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

+ **CS(OS) 531/2023 & I.A. 16543/2023**

SACHIN ATREJA AND ANR

..... Plaintiffs

Through: Mr. S.S. Rana, Mr. P.S. Anroop,
Mr. Sarthak Manu and Mr.
Virendra Singh, Advocates.

versus

SURINDER KUMAR CHHABRA AND ORS

..... Defendants

Through: Mr. Nitesh Tyagi, Mr. Jugal
Bagga, Ms. Prachi Gupta, Ms.
Priyanka Tyagi, Advocates for all
defendants with D-3 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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08.05.2024

I.A. _____/2024 (to be numbered) (Diary No. 1378675/2024)

1. Further to the order dated 25.04.2024, learned counsel for the parties state that they have filed an application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908, under Diary No. 1378675/2024 and additional documents *vide* Diary No. 1378717/2024. Although the application and documents are not on record, copies of the same have been handed up in Court and are taken on record. The Registry is directed to number the application.

2. Learned counsel for all the parties are present. The application is

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taken up for hearing with the consent of the parties.

3. In the application, it has been stated that parties have settled their grievances in respect of the suit property, by way of a Memorandum of Settlement [“Memorandum”] dated 24.04.2024. The parties seek a decree in terms of the said Memorandum. A copy of the Memorandum has also been placed on record with the additional documents.

4. Both the plaintiffs and the three defendants – Mr. Surinder Kumar Chhabra, Mr. Praveen Kumar Chhabra and Mr. Inder Pal Chhabra, are parties to the Memorandum. The Memorandum has been signed by one Mr. Harish Kumar Ahuja as a constituted attorney of both the plaintiffs, and by the three defendants. A copy of the special power of attorney, executed in favour of the plaintiffs’ signatory, has also been placed on record. The application has also been signed by the constituted attorney of the plaintiffs and by the defendants, as well as by learned counsel on both sides. It is supported by affidavit of the signatories.

5. Having regard to the aforesaid, there does not appear to be any impediment in grant of decree in terms of the Memorandum. The application is, therefore, allowed and CS(OS) 531/2023 is decreed in terms of the Memorandum of Settlement dated 24.04.2024 [Document A of the additional documents filed *vide* Diary No.1378717/2024]. Decree sheet be prepared accordingly. The Memorandum will form part of the decree.

6. All further dates of hearing in the suit are cancelled.

7. As the parties have settled their disputes amicably, the Registry is directed to return the court fees to the plaintiffs, having regard to Sections 16 and 16A of the Court Fees Act, 1870, and the judgment of the



Supreme Court in *High Court of Judicature at Madras v. M.C. Subramaniam & Ors* [(2021) 3 SCC 560].

MAY 8, 2024
SS/

PRATEEK JALAN, J