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

+ **CS(OS) 484/2024**

SAHIL BAKSHI & ORS.

.....Plaintiffs

Through: Mr. Soayib Qureshi and Mr. Rishabh
Dua, Advocates

Plaintiff nos. 1, 2 and 3 (through VC)

versus

GAUTAM BAKSHI & ORS.

.....Defendants

Through: Mr Keshav Sehgal (through VC)
with Ms Anubha Goel, Mr Shivam
Gaur, Mr Kshitij Joshi, Mr Aryan
Kumar, Advocates with Defendant
nos. 1 and 2

Ms. Nidhi Parashar, Adv. for D-3

Defendant nos. 1, 2 and 3 (through
VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 24.12.2024

CS(OS) 484/2024 and I.A. 49930/2024

1. I.A. 49930/2024 is an application filed under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC) seeking passing of a decree based on the compromise arrived at between the parties, through the Memorandum Recording Oral Family Settlement dated 16.12.2024 (MoFS).

2. Plaintiff nos. 1, 2 and 3 have joined the proceedings through video conferencing and are identified by their counsel. The plaintiffs have filed their affidavit in support of the captioned application.



3. Defendant nos. 1, 2 and 3 have joined the proceedings through video conferencing and are identified by their respective counsels. The defendants have not filed their affidavit in support of the captioned application. The defendants are directed to file the same within two (2) weeks.
4. Learned counsels for the parties states that parties have executed MoFS after having taken independent advice from their respective counsels and the parties understand and acknowledge the true meaning and effect of the said MoFS.
5. Learned counsel for the plaintiffs state that plaintiffs have already implemented Clause 1(I) (e) of the MoFS and paid over the requisite amount to defendant no. 1. Learned counsel for defendant no. 1 confirms the receipt of the said amount.
6. The parties who have joined the proceedings through video conferencing link confirm the due execution of the MoFS and undertake to abide by the terms of the MoFS.
7. This Court is satisfied that the settlement arrived at between the parties as contained in the MoFS satisfies the requirements of Order XXIII Rule 3 CPC. The settlement contained in the MoFS is lawful and therefore, this Court does not find any impediment in decreeing the captioned suit in terms of the MoFS. The statements and undertakings given by the parties are accepted by this Court and parties are held bound by the same.
8. Consequently, the application is allowed and the captioned suit is decreed in terms of the aforesaid Memorandum Recording Oral Family Settlement dated 16.12.2024 (MoFS), which is marked as Exhibit 'C-1'. The registry is directed to prepare a decree sheet in terms thereof.
9. Learned counsel for the plaintiffs states that in view of the



compromise recorded between the parties and the early disposal of the suit, the plaintiffs pray for refund of the court fee deposited.

10. Keeping in view the aforesaid facts, the registry is directed to refund 100% Court fee in favour of plaintiff no. 1 within six (6) weeks, in accordance with law. The said direction has been passed having regard to Section 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**¹.

11. Pending applications stand disposed of.

12. All future dates stand cancelled.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 24, 2024/msh/sk

Click here to check corrigendum, if any

¹ (2021) 3 SCC 560.