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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 740/2013**

CHIRANJI LAL

.....Plaintiff

Through: Mr. Trilok Nath Saxena, Mr. Aakash
Shankar, Mr. Akshat Aggarwal, Mr.
Akshay Arora, Dr. Shiv Kumar Tiwari
and Mr.H.C. Kharbanda, Advs.

versus

BISHAMBER SHARMA & ORS

.....Defendants

Through: Mr. Ashwani Malhotra, Adv. for D-2
Mr. Rahul Miglani, Adv. for Mr.
Sanjay Manchanda, Adv. for D-3

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
22.10.2024

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I.A. 42949/2024 (under Section 151 CPC by the Plaintiff)

1. The present application has been filed by the plaintiff seeking withdrawal of the present suit.
2. The learned counsel for the plaintiff submits that the suit was filed seeking declaration that the sale deed dated 06.07.2006 is null and void.
3. He submits that during the pendency of the proceedings the LR's of deceased plaintiff, as well as, the defendant no. 2 have arrived at settlement dated 30.09.2024. The settlement is signed by all the LR's of the deceased plaintiff, who are present in Court. They affirm the factum of settlement.



4. He submits that in terms of aforesaid settlement the defendant no. 2 has agreed to pay a sum of Rs. 3.75 crores to the LRs of the plaintiff in full and final settlement of all their claims.

5. He submits that 50% of the amount has already been paid by the defendant no. 2 to the LRs of the plaintiff. The balance amount has been paid today in Court by way of following five cheques, the receipt of which is acknowledged by the learned counsel for the plaintiff:

- (i) Cheque bearing No. 432028 dated 30.09.2024 issued by Axis Bank Ltd, M.G. Road, Gurgaon (HR), Gurgaon – 122002 of Rs. 24,75,000/-;
- (ii) Cheque bearing No. 432031 dated 30.09.2024 issued by Axis Bank Ltd, M.G. Road, Gurgaon (HR), Gurgaon – 122002 of Rs. 24,75,000/-;
- (iii) Cheque bearing No. 432033 dated 30.09.2024 issued by Axis Bank Ltd, M.G. Road, Gurgaon (HR), Gurgaon – 122002 of Rs. 24,75,000/-;
- (iv) Cheque bearing No. 432034 dated 30.09.2024 issued by Axis Bank Ltd, M.G. Road, Gurgaon (HR), Gurgaon – 122002 of Rs. 24,75,000/-;
- (v) Cheque bearing No. 432036 dated 30.09.2024 issued by Axis Bank Ltd, M.G. Road, Gurgaon (HR), Gurgaon – 122002 of Rs. 86,62,500/-.

6. He submits that the present suit may be dismissed as withdrawn subject to the encashment of the aforesaid cheques.

7. Accordingly, subject to realization of aforesaid cheques, the suit is dismissed as withdrawn.



8. The suit alongwith the application, stands disposed of in the above terms.

I.A. 6572/2013 (under Order XXXIX Rules 1 & 2 read with Section 151 CPC), I.A. 11323/2013 (under Order I Rule 10 read with Section 151 CPC), I.A. 718/2014 (under Order XII Rule 6 read with Order VII, Rule 11 and Section 151 CPC) & I.A. 22015/2022 (under Order I Rule 10 read with Section 151 CPC seeking impleadment of the applicants)

9. The above pending applications also stand disposed of.

VIKAS MAHAJAN, J

OCTOBER 22, 2024

N.S. ASWAL