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

+ **CS(OS) 15/2024**

DR SUMAN SABHARWAL

.....Plaintiff

Through: **Mr. Satyendra Kumar alongwith Ms.
Renu Sanghi, Advs.**

versus

LATE SMT SUSHMA SABHARWAL & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

24.07.2024

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I.A. 34182/2024 (under Section 151 CPC filed by the plaintiff for seeking disposal of the suit in terms of the settlement arrived at before the mediation)

1. The present suit has been filed for partition, recovery of possession, rendition of accounts and damages.
2. The learned counsel for the plaintiff submits that the summons were ordered to be issued in the present suit, however, on account of non-filing of process fee the summons could not be issued to the defendants.
3. He submits that two complaint cases had been filed by the builder as well as one purchaser, who had purchased a portion of the suit property from the said builder. The said complaint cases were pending before the Court of learned Metropolitan Magistrate-11, South West District, Dwarka Courts New Delhi.



4. During the pendency of the said complaints, the matter was referred to the Mediation Centre, Dwarka Courts New Delhi where the parties arrived at settlement, terms whereof have been reduced in writing in the form of settlement dated 03.05.2024, a copy of which has been annexed to the present application as Document 1.
5. He submits that subsequent to the said settlement another settlement agreement dated 12.07.2024 has been executed between the plaintiff and the LR's of deceased defendant no. 1.
6. He submits that in view of the said settlement the suit may be disposed of.
7. Since the disposal of the present suit is sought in terms of the mediation settlement dated 03.05.2024, as well as, in terms of settlement agreement dated 12.07.2024, further regard being had to the fact that the defendants have not been served in the present matter, the application is allowed and the suit is disposed of in terms of the settlement.
8. Since the suit is still at the stage of issuance of summons and the dispute has been settled through mediation, the Registry is directed to issue a certificate to the plaintiff for the refund of full Court fee.
9. The application is disposed of.

VIKAS MAHAJAN, J

JULY 24, 2024
N.S. ASWAL