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

+ RSA 189/2019

SURENDER KUMAR GUPTA

.....Appellant

Through: Mr. Abhishek Kaushik, Advocate and
appellant in court.

versus

SHYAM SUNDER GUPTA & ANR

.....Respondents

Through: Mr. Athul Joseph with Ms. Muskan
Shalya, Advocates and R1 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **16.05.2025**

CM APPL. 29946/2025

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellant seeks advancement of date of hearing and disposal of the appeal on the basis of a family settlement. The matter is otherwise listed on 08.08.2025.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. The regular second appeal is taken-up today.
4. The application stands disposed-of.

CM APPL. 29947/2025

5. By way of the present application filed Order XXIII Rule 3 CPC, the parties *jointly* seek recording of the compromise between them, and disposal of the appeal in terms of the compromise between them as comprised in Memorandum of Family Settlement dated 28.04.2025.



A copy of the family settlement has been appended to the present application.

6. The appellant and respondent No.1 are present in-person; who have been identified by their respective counsel. The court has interacted with the parties. They confirm the terms of the settlement as comprised in the Memorandum of Family Settlement dated 28.04.2025.
7. For the record, respondent No.2, who was the wife of respondent No.1, has since passed-away.
8. The court is informed that pursuant to the said settlement, respondent No.1 has already handed-over possession of the suit property to the appellant.
9. In view thereof, the compromise arrived at between the parties, as comprised in Memorandum of Family Settlement dated 28.04.2025 has also been acted upon.
10. The Memorandum of Family Settlement is taken on record.
11. The application stands disposed-of.

RSA 189/2019

12. In view of the order passed above, the present appeal stands disposed-of in terms of the compromise entered into between the parties as comprised in Memorandum of Family Settlement dated 28.04.2025.
13. The parties shall remain bound by the terms contained of the Memorandum of Family Settlement.
14. It is further observed that in view of the settlement, order dated 15.01.2019 passed by the learned ADJ, Tis Hazari District Courts, Delhi in RC No. 06/2019; judgment and decree dated 13.12.2018



passed in civil suit bearing Suit No. 815/2014 (Old) and No. 97185/2016 (New) shall stand modified in the terms contained in the Memorandum of Family Settlement dated 28.04.2025.

15. Pending applications, if any, also stand disposed-of.
16. The date of 08.08.2025 given earlier, stands cancelled.

ANUP JAIRAM BHAMBHANI, J.

MAY 16, 2025
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