

MS VAISHALI MALHOTRA Vs. ASHOK KUMAR MITTAL
AND ORS

28.02.2026

Present: Ms. Nishu Budhiraja, proxy counsel for the plaintiff
with plaintiff.

Sh. Gaurav Gupta, Counsel for the defendants no.1
and 3.

Defendant no.2 in person.

1. Counsel for the defendants no.1 and 3 presses his application dated 21.11.2025 for deletion of names of defendants no. 1 and 3.

2. It is argued by the counsel for the defendants no.1 and 3 that vide mediation settlement dated 13.01.2025, it was agreed by the plaintiff that she will reside separately with her husband Sh. Abhishek Mittal. It was further agreed therein that plaintiff and her husband will not claim anything from defendant no.1 and 3 who are father in law and mother in law of the plaintiff. It was further agreed that plaintiff will withdraw the complaint pending before Mahila Court under DV Act.

3. Per contra, counsel for the plaintiff contends that the mediation settlement dated 13.01.2025 has failed as Sh. Abhishek Mittal did not reside with the plaintiff and left her after two months.

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Further, point no.6 of the mediation settlement, it was agreed that parties shall be bound by the mediation settlement. However, the same was not abided by.

4. It is further argued by the counsel for the plaintiff that in para no.7 A of the written statement filed by the defendant no.1 and 3. It is admitted that defendant no.1 is the owner in possession of suit property which is matrimonial house of the plaintiff and thus, defendant no.1 is necessary party.

5. Heard. File perused.

6. Submissions on behalf of the defendants no.1 and 3 that vide mediation settlement dated 13.01.2025, it was agreed by the plaintiff that she will reside separately with her husband Sh. Abhishek Mittal. It was further agreed therein that plaintiff and her husband will not claim anything from defendant no.1 and 3 who are father in law and mother in law of the plaintiff. It was further agreed that plaintiff will withdraw the complaint pending before Mahila Court under DV Act. Further submissions that name of the defendants no.1 and 3 be deleted from the memo of parties, are without merits. These submissions are rejected as :

7. Mediation settlement dated 13.01.2025 has failed as Sh. Abhishek Mittal did not reside with the plaintiff and left her after

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two months. Further, point no.6 of the mediation settlement, it was agreed that parties shall be bound by the mediation settlement. However, the same was not abided by.

8. Perusal of record shows that in para no.7 A of the written statement filed by the defendant no.1 and 3. It is admitted that defendant no.1 is the owner in possession of suit property which is matrimonial house of the plaintiff and thus, defendant no.1 is necessary party.

9. **Application dated 21.11.2025 for deletion of names of defendants no. 1 and 3, is accordingly dismissed.**

10. To come up for framing of the issues on **20.07.2026.**

(VIKRAM BALI)
DISTRICT JUDGE-2/NORTH/
ROHINI COURT/DELHI/28.02.2026