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

+ **CM(M) 1899/2024**

**S. JATINDER SINGH**

..... Petitioner

Through: Mr. J. P. Singh, Sr. Adv. with Mr.  
Amulya Dhingra, Mr. Diwakar Singh,  
Mr. Abhishek Dev, Mr. Chetan  
Rathor and Mr. Shashank, Advs.

versus

**S. AMRIK SINGH & ANR.**

..... Respondents

Through: None.

**CORAM:**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

% **16.02.2024**

**CM APPL. 9661/2024 (Exp)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**CM(M) 1899/2024, CM APPL. 9662/2024 (Stay)**

3. The present petition under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure, 1908 ("CPC") has been filed impugning the order dated 24.01.2024 passed by the learned District Judge - 12 (Commercial Courts), Central District, Tis Hazari Courts, Delhi in CS (Comm.) No. 2600/2022 titled as "S. Amrik Singh & Anr. Vs. S. Jatinder Singh" whereby the application moved on behalf of the petitioner under Section 10 of the CPC was dismissed. The petitioner herein is the defendant before the learned Trial Court.



4. Learned senior counsel for the petitioner submits that parties to the petition are family members and that the petitioner herein had instituted a civil suit no. CS(OS) 372/2021 on 07.08.2021. Apart from other suits, the respondent has instituted a suit bearing no. 2600 of 2022 on 23.11.2022 praying for the reliefs, which has already been prayed in the suit bearing no. 2854 of 2021, which was filed on 07.12.2021.
5. Learned senior counsel drew the attention of this Court to the family settlement arrived between the parties dated 29.09.2019. It is submitted that in these circumstances, application under Section 10 of the Code of Civil Procedure, 1908 was moved, which has been dismissed vide the impugned order of the learned Trial Court.
6. Issue notice.
7. On taking steps, let service be effected upon the respondents through all permissible modes including via approved courier service, returnable on 05.04.2024.
8. Learned senior counsel submits that in case the present petition is allowed then the proceedings shall become res judicata in the other case. In these circumstances, the proceedings before the learned Trial Court be stayed.
9. Learned Trial Court to fix a date beyond the date given by this Court.

**SHALINDER KAUR, J.**

**FEBRUARY 16, 2024/ss/k**