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

+ **CS(OS) 307/2015**

RAGHUVINDER SINGH Plaintiff

Through: **Mr. Vineet Mehra, Adv.**

versus

SUKHVIR SINGH & ORS Defendants

Through: **Mr. H.P. Sharma, Sr. Adv. along with
Mr. Ajay Sharma, Adv.
Ms. Ritu Singh, Adv. for applicant/
Ms. Kamal Kumari.**

Coram:

Sh. Ashish Aggarwal (DHJS), Joint Registrar (Judicial)

ORDER

% **27.01.2022**

The case is taken up by videoconferencing in terms of order No.1/RG/DHC/2022 dated 12.01.2022.

IA No.20/2018 (Application under Order 22 R 3 CPC moved by Ms. Kamal Kumari)

As per office noting, notice of the application could not be issued to Smt. Suresh in terms of previous order since process fee was not filed by the applicant. Let fresh notice of the application be issued for service upon Smt. Suresh, in terms of previous order, returnable on the next date.

CS(OS) 307/2015

On the last date of hearing, it was directed that defendant no.3 shall provide particulars of legal representatives of defendant no.2 who is stated to have expired. Defendant no.3 has not provided details of the said legal representatives till date. Learned senior counsel for defendants submits that



particulars of legal representatives of deceased defendant no.2 will be provided by the next date of hearing.

Learned counsel for plaintiff submits that he has been recently engaged in the case to represent the plaintiff.

Learned counsel for plaintiff and learned senior counsel for defendants jointly submit that the case may be referred to the Mediation Centre for them to explore the possibility of settlement. Ms. Ritu Singh, learned counsel for legal representative of Ms. Chandramukhi submits that the suit is collusive and the plaintiff cannot be permitted to enter into a settlement with the defendants before the Mediation Centre. She submits that Ms. Chandramukhi was the owner of the property and that such a settlement is aimed at depriving the applicant of her ownership rights in the suit property in the capacity of being legal heir of Ms. Chandramukhi. She submits that the suit cannot be disposed off without deciding her application bearing IA No.20/2018.

Mr. H.P. Sharma, learned senior counsel submits that the rights of the applicant are not affected by referring of the case to the Mediation Centre. He submits that even if the dispute is settled between the parties, the settlement would not take effect unless a decree is passed by the court. He also submits that this is a suit for specific performance and it cannot be converted into a title dispute on the basis of ownership claims made by the applicant. He submits that settlement between the parties will be binding only on the parties and not upon other persons setting up an independent title.

I am in agreement with the contention of learned senior counsel for defendants that a mere reference of the parties to the Mediation Centre does



not act to the prejudice of the applicant. Even if the court does not refer the case to the Mediation Centre, there is nothing to prevent the parties to the suit from meeting each other and from holding negotiations. The Mediation Centre would only provide a platform for such negotiations. Parties to a suit are always at liberty to meet, negotiate and settle their disputes. If this could be done out of court, there is no reason to withhold the facility of mediation in the Mediation Centre for this purpose. Needless to state, any such settlement would have to be clothed with a decree passed by the court to be enforceable in execution proceedings. At that stage, if at all it is reached, this court would examine the pending applications and decide who should be parties to the suit before the request for disposing off the case is considered.

The case is, therefore, referred to the Mediation Centre. The parties are directed to appear before learned In-charge, Delhi High Court Mediation and Conciliation Centre at 12.00 noon on **10.02.2022**.

The case shall be taken up again in this court on **04.03.2022**.

Copy of this order be sent to learned In-Charge, Delhi High Court Mediation and Conciliation Centre.

(Ashish Aggarwal)
Joint Registrar (Judicial)

January 27, 2022/cl