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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 2981/2012

CAPTAIN ASHISH BERRY Plaintiff

Through: Mr. Jasmeet Singh, Advocate with
Mr. Saurabh Tiwari, Advocate.

versus

THE KINGFISHER AIRLINES LTD Defendant

Through: Ms. Priyambada Mishra, Advocate.

And

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CS(OS) 2983/2012

CAPTAIN RISHI RAJ CHATTERJEE Plaintiff

Through: Mr. Jasmeet Singh, Advocate with
Mr. Saurabh Tiwari, Advocate.

versus

THE KINFISHER AIRLINES LTD Defendant

Through: Ms. Priyambada Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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17.05.2013

I.A. 1307/2013 in CS(OS) 2981/2013

I.A. 1308/2013 in CS(OS) 2983/2013

Today, learned counsel for parties have handed over in Court the
Settlement Agreements dated 04th April, 2013. The same are taken on record.

Present two suits have been filed for recovery under Order XXXVII CPC.

On 28th January, 2013, with consent of parties, present suits were referred to the Delhi High Court Mediation and Conciliation Centre.

Mediation in present cases has been successful through the efforts of Mr. Mohd. Anis Ur Rehman, Advocate-Mediator.

The Settlement Agreements dated 04th April, 2013 have been executed between the parties in both the suits.

This Court is satisfied that the compromise between the parties contained in the aforesaid Settlement Agreements satisfies the requirements of Order 23 Rule 3 CPC. The compromise contained in the aforesaid Settlement Agreements is lawful and therefore, this Court does not find any impediment in decreeing the suits in terms of the aforesaid Settlement Agreements.

It is pertinent to mention that the Supreme Court in *Afcons Infrastructure Ltd. Vs. Cherian Varkey Construction Co. (P) Ltd.*, (2010) 8 SCC 24 while dealing with Section 89 of the CPC observed that the settlement agreement will have to be placed before the Court for recording it and disposing of the suit in its terms and the Court should apply the principle of Order 23 Rule 3 of the CPC and make a decree in terms of the settlement in regard to the subject matter of the suit, to make such settlement effective.

Consequently, present suits are decreed in terms of aforesaid Settlement Agreements dated 04th April, 2013. Registry is directed to prepare decree sheets in terms thereof.

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Since the present cases have been settled before the Delhi High Court and Mediation Centre prior to the issues being framed, Registry is directed to issue certificates authorising the plaintiffs to receive back from the Collector the full amount of Court-fee paid by them in respect of the present two suits.

With the aforesaid observations, present applications are allowed and suits and pending applications are disposed of.

The next date of hearing i.e. 12th August, 2013 is cancelled.


MANMOHAN, J

MAY 17, 2013

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