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

+ **CS(OS) 1210/2011**

VIKAS CHANDER

..... Plaintiff

Through: None.

versus

HARSH MIGLANI & ORS

..... Defendants

Through: Mr. Sameer Dewan, Advocate for
D-13.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **20.05.2016**

I.A.No.6473/2016 (for exemption)

Exemption allowed, subject to just exceptions.

I.A stands disposed of.

I.A. Nos. 6472/2016

1. This application is filed by defendant No. 13 seeking recall of the order dated 12.10.2015 by which the suit was disposed of on account of compromise between the plaintiff-Vikas Chander and defendant No.1-Harsh Miglani.

2. Grievance of defendant No. 13 is with respect to property No.2927, Gali No. 42, Ward No. XIV, Block -D, Basti Reghar Pura, Karol Bagh, New Delhi, as it is argued that the ground floor property

bearing No. 2927 does not belong to Harsh Miglani and in whose favour it is declared as per the settlement agreement dated 15.9.2015.

3. I note that the applicant/defendant No. 13 is not a party to the settlement dated 15.9.2015 and the suit was disposed of between plaintiff and defendant No. 1 by passing a decree in terms of the settlement agreement dated 15.9.2015, and therefore, the decree which is passed in terms of the agreement dated 15.9.2015 vide order dated 12.10.2015 will not operate against any right of defendant No. 13 Sh. Jaswinder Singh Hora in property No. 2927, Gali No. 42, Ward No. XIV, Block –D, Basti Reghar Pura, Karol Bagh, New Delhi, inasmuch as, a judgment or a compromise between limited parties to the suit will only operate against such parties and not against third party against whom there is no compromise and no decree passed on merits.

4. The application of defendant No. 13 is, therefore, disposed of with the aforesaid clarifications.

VALMIKI J. MEHTA, J

MAY 20, 2016

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