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

+ CS(OS) 372/2013 & I.A.Nos.3209/2013, 11780/2013

SATISH GUPTA

..... Plaintiff

Through Mr.Akhil Mittal with Ms.Shiba Batra,
Advocates.

versus

SHASHI KANT LOYALKA & ANOTHER

..... Defendants

Through None

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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28.07.2017

The present suit has been filed for specific performance of agreement to sell dated 06th February, 2010.

On 26th May, 2017, the present suit was referred to the Delhi High Court Mediation and Conciliation Centre.

Mediation in the present case has been successful through the efforts of Ms.Prema Priyadarshini, Advocate-Mediator.

A Settlement Agreement dated 14th July, 2017 has been executed between the parties.

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.

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

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 14th July, 2017 which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Since the present case has been settled before the Delhi High Court and Mediation Centre before the issues had been framed, Registry is directed to issue a certificate authorising the plaintiff to receive back from the Collector the entire amount of court fee paid by him in respect of the present suit.

With the aforesaid observations, present suit stands disposed of.

MANMOHAN, J

JULY 28, 2017
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