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

+ CS(COMM) 127/2016 & I.A.Nos.19874/2015, 3973/2016

MR. SACHBIR SINGH Plaintiff

Through Mr.Satvinder Singh, Advocate.

versus

M/S INSTITUTE OF CLINICAL RESEARCH (INDIA)

..... Defendant

Through Mr.Sunil Choudhary, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **11.10.2017**

The present suit has been filed for recovery of possession, arrears of rent, damages/mesne profit and permanent injunction.

On 18th September, 2017, matter was remanded back to the Delhi High Court Mediation and Conciliation for preparation of a new settlement agreement in accordance with the fresh repayment schedule handed over to the Court on the said date. The new settlement agreement has been executed between the parties on 09th October, 2017.

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 in disposing of the suit in its terms, 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 present suit in terms of the aforesaid Settlement Agreement.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 09th October, 2017 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Accordingly, the present suit and pending applications stand disposed of.

MANMOHAN, J

**OCTOBER 11, 2017
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