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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 471/2009, C.M. No. 9335/2017, 24707/2017, 27736/2017
GURCHARAN SINGH

..... Appellant

Through: Mr. Anil Sapra, Senior Advocate with
Mr. Deepak Khadaria, Ms. Piyusha
Singh, Mr. Sarthak Katyal, Mr. Kartik
Bhardwaj, Mr. Jaideep Singh,
Advocates

versus

NARENDER & ORS

..... Respondent

Through: Mr. Dhruv Madan, Advocate for
respondent No. 1, 1(a) and 1(b)
Mr. Ajay Verma, Advocate for
respondent No. 4-DDA.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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03.08.2017

R.F.A. No. 471/2009 & C.M. Nos. 24707/2017 & 27736/2017 (U/O
23 R 3 CPC)

By these applications filed under Order 23 Rule 3 of CPC, on behalf of appellant and respondent No. 1, 1(A) and 1(B) to allow the appeal in terms of the settlement agreement dated 04.07.2017 arrived before the Delhi High court Mediation and Conciliation Centre and the judgment and decree dated 24.07.2004 passed by the trial court be modified in terms of the settlement arrived at between them.

It is stated that respondent No. 2 and 3 are not contesting the appeal. It is stated by counsel for the parties, on instructions of their respective parties that the settlement arrived at before the Delhi High

court Mediation and Conciliation Centre is acceptable to them and pray for modification of the judgment and decree passed by the trial court.

Counsel for the parties have been heard on the applications. Settlement Agreement dated 04.07.2017 arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre is already on record. Applications are supported by the affidavits of the parties.

After going through the contents of the applications coupled with the fact that the appellant and respondent No. 1, 1(A) and 1(B) have entered into a settlement before the Delhi High Court Mediation and Conciliation Centre, the judgment and decree dated 05.03.2009 passed by the learned ADJ is modified in terms of the settlement arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre. Parties to the settlement are bound by the terms of the settlement agreement and terms of the settlement agreement shall remain a part of the decree.

Since Respondent No. 2 and 3 are stated to be non-contested parties and they are not present, therefore, the settlement would not be binding upon them. Similarly, counsel appearing for the DDA submits that this settlement also does not bound down the DDA as it is arrived at between the appellant and respondent No. 1(A) and 1(B).

Accordingly, the applications filed on behalf of the parties are allowed and disposed of. Consequently, the appeal is disposed of in terms of the settlement arrived at between the parties. Decree sheet be prepared in accordance with the terms of the settlement agreement.

The parties are at liberty to approach the DDA for any relief claimed from the DDA.

The appeal and pending applications are disposed of accordingly.

P.S.TEJI, J

AUGUST 03, 2017

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