

5
\$~

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

+ CS(COMM) 1242/2016 & I.A.A 13843/2016

M/S BALAJI SWITCHGEARS P.LTD. Plaintiff
Through: Mr. Aditya Jain, Advocate.

versus

M/S DEVCO ENGINEERING
AND TECHNOLOGIES P.LTD. Defendant
Through: Mr. Abhay K. Das, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

% **ORDER**
16.08.2017

The present suit has been filed for recovery of Rs.1,26,38,978/-.

On 27th January, 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 Mr. Arun Aggarwal, Advocate-Mediator.

A Settlement Agreement dated 13th April, 2017 has been executed between the parties.

Today, learned counsel for parties state that the date of the first Cheque bearing No.567457 for Rs.20 lacs shall be changed from 10th July, 2017 to 10th September, 2017.

The statement made by both the learned counsel is accepted by this Court and parties are held bound by the same.

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 13th April, 2017 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Since the present suit has been settled before the Delhi High Court Mediation and Conciliation Centre after the issues had been framed, Registry of this Court is directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector half the amount of the Court fee paid by it in the present suit.

With the aforesaid observations, present suit and pending application stand disposed of.

MANMOHAN, J

AUGUST 16, 2017

js