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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 1326/2016 & I.As. 11774/2016, 13822-13824/2016,
1838/2017, 1995-1996/2017

HGS INDIA LIMITED

..... Plaintiff

Through

Mr. Puneet Singh Bindra with
Mr. Aslam Ahmed, Advocates

versus

I/O CAYMAN ISLANDS LIMITED & ANR Defendants

Through

Mr. Arvind Roy with Ms. Priti Suri
and Mr Dhruv Suri, Advocates

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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02.08.2017

The present suit has been filed for recovery of US\$ 628,690.45/-.

On 25th November, 2016, 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. Sudhanshu Batra, Senior Advocate-Mediator.

A Settlement Agreement has been executed between the parties at
Texas, USA on 9th May, 2017 and at New Delhi, India on 22nd May, 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. In fact, this Court in CS(OS) 1937/2015 has already decreed the suit in terms of the aforesaid Settlement Agreement.

Further, 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 executed between the parties at Texas, USA on 9th May, 2017 and at New Delhi, India on 22nd May, 2017, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Registry of this Court is also directed to issue to an authorised representative of the plaintiffs a certificate authorizing him/her to receive back from the Collector half the amount of the Court fee paid by them in the present suit.

With the aforesaid observations, present application is allowed and the suit and all pending applications stand disposed of.

MANMOHAN, J

AUGUST 02, 2017

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