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

+ CS(OS) 485/2016 & I.A. 11773/2016

SHRI RAMESH CHAND SHARMA Plaintiff
Through Mr. T.C. Sharma, Advocate

versus

SHRI RAM AVTAR SHARMA Defendant
Through Mr. Dushyant K. Mahant, Advocate

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

% **ORDER**
04.08.2017

The present suit has been filed for partition and permanent injunction.

On 23rd 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 Ms. Sadhna Sharma, Advocate-Mediator.

A Settlement Agreement dated 28th March, 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 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 suit in terms of the aforesaid Settlement Agreement.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 28th March, 2017 which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

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

MANMOHAN, J

AUGUST 04, 2017

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