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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 103/2015 & I.As. 23115/2015 AND 13133/2016

ADITYA BARNA MITTRA & OTHERS Plaintiffs

Through: Mr. Jasmeet Singh, Advocate.

versus

MANJUSHREE CHATTERJEE & ANOTHER Defendants

Through: Mr. Sanjiv Bahl, Advocate with

Mr. Eklavya Bahl, Mr. Pawas Agarwal
and Mr. Vinayak Batra, Advocates for
defendant No.1.

Mr. Joel, Advocate for defendant No.2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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08.11.2017

Learned counsel for parties states that defendant No.2 has vacated the suit premises.

Consequently, at the oral request of the learned counsel for plaintiffs, defendant No.2 is deleted from the array of parties.

Let an amended memo of parties be filed during the course of the day.

It is pertinent to mention that the present suit had been filed for recovery of possession, damages and mesne profits.

On 06th September, 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 Ms. Prema Priyadarshini, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 01st November, 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 01st November, 2017 executed between the parties, 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 amount of the Court fee paid by them in the present suit.

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

MANMOHAN, J

NOVEMBER 08, 2017

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