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

+ CS(OS) 2250/2015, CC 57/2016, I.A.No.8273/2016

VINOD HANDA Plaintiff

Through Mr.Rajender Agarwal, Advocate with
plaintiff in person.

versus

RAMESH HANDA & ANR Defendants

Through Mr.Varun Goswami, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **10.07.2017**

Present suit has been filed for partition, mandatory and permanent injunction and rendition of accounts.

On 6th February, 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. Sharanjit Singh Wadhwa, Advocate-Mediator.

A Settlement Agreement dated 15th 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 disposing of the suit in its terms and 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 dated 15th March, 2017 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 15th 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, counter-claim and pending application stand disposed of. The interim orders are vacated.

MANMOHAN, J

JULY 10, 2017
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