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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 2853/2015 & O.A. 156/2016 and I.A. 189/2017

M/S AMIRA PURE FOODS PVT LTD Plaintiff
Through Mr. Aaalok Jain, Advocate

versus

GOYAL TRADING COMPANY & ORS Defendants
Through Mr. Amit Saxena, Advocate for D-1 to 8.
Mr. Sanjay Bansal, Advocate for D-9.
Ms. Richa Srivastava and Mr. Arpit Gupta, Advocates for D-10 and 11.

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

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30.05.2017

Present suit has been filed for damages and recovery of money on account of defamation along with perpetual injunction.

On 24th January, 2017, present suit was referred to the Delhi High Court Mediation and Conciliation Centre.

Mediation in the present case was successful through efforts of Ms. Vandana Bhatia, Advocate-Mediator and a Settlement Agreement dated 23rd 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 satisfies the requirements of Order XXIII 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 23rd March, 2017 which is marked as Ex C-1. Registry is directed to prepare a decree sheet in terms thereof.

Since the present matter has been settled before the Delhi High Court and Mediation Centre, Registry is directed to issue a certificate authorising the plaintiff to receive back from the Collector the half the amount of Court-fee paid by it in respect of the present suit.

With the aforesaid observations, present suit as well as pending applications stand disposed of.

MANMOHAN, J

MAY 30, 2017

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