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

+ CS(OS) 3075/2015 & I.A.No.4766/2017

SH. JAGPREET SINGH Plaintiff

Through Mr.P.S.Goindi, Advocate with
plaintiff in person.

versus

SH. JOGINDER PAL SINGH & OTHERS Defendants

Through Mr.Akshay Bhatia, Advocate for D-2
with D-2 in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **19.07.2017**

Present suit has been filed for partition and permanent injunction.

On 20th October, 2016, the suit was transferred to the Delhi High Court Mediation and Conciliation Centre. Mediation in the present case has been successful through the efforts of Ms.Shalini Kapoor, Mediator/Advocate.

A Deed of Family Settlement dated 14th March, 2017 has been executed between the parties, whereby the parties have settled their disputes. The same is taken on record.

The parties are personally present in Court and they have been identified by the counsel for the plaintiff and defendant no.2.

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 has perused the settlement application and the Deed of Family Settlement dated 14th March, 2017 and is of the opinion that they satisfy the requirements of Order 23 Rule 3 CPC. The compromises contained in the aforesaid Settlement Agreement are lawful and therefore, this Court does not find any impediment in decreeing the suit in terms of the aforesaid Deed of Family Settlement.

Consequently, present suit is decreed in terms of the aforesaid Deed of Family Settlement dated 14th 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

JULY 19, 2017

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