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

+ CS(OS) 1083/2013

MARVELLOUS REALHOMES PVT LTD Plaintiff

Through Mr.B.S.Maan with Ms.Smita Maan
and Mr.Vishal Maan, Advocates.

versus

SURAJ BHAN & ORS Defendants

Through Mr.S.D.Sharma, Advocate for D-6.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **26.02.2018**

The present suit has been filed for specific performance, possession and permanent injunction.

On 09th February, 2018, 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.Vandana Khurana, Advocate-Mediator. A Settlement Agreement has been executed between the parties on 15th February, 2018.

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 XXIII 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 present suit in terms of the aforesaid Settlement Agreement.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 15th February, 2018 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 the plaintiff a certificate authorizing it to receive back from the Collector the half amount of the Court fee paid by it in the present suit.

With the aforesaid observations, present suit is disposed of. However, Registry is directed to list the present matter for compliance on 26th April, 2018.

MANMOHAN, J

**FEBRUARY 26, 2018
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