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

+ CS(OS) 1234/2013

RATAN PRABHA TIWARI Plaintiff
 Through Mr. H.K. Chaturvedi with Mr. Sagar
 Chaturvedi, Advocates

versus

PADAM PRABHA MUDGAL & ORS Defendants
 Through Mr. H.N. Pandey, Advocate for D-2.
 Mr. Puran Sharma, Advocate for D-3.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

% **ORDER**
23.10.2018

The present suit has been filed for partition and grant of injunction.

On 30th July, 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 Mr. Manu Nayar, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 4th September, 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 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 4th September, 2018 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

With the aforesaid observations, present suit is disposed of and the interim order dated 5th December, 2013 stands vacated.

MANMOHAN, J

OCTOBER 23, 2018

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