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

+ CS(COMM) 229/2016 & I.A. 4352/2013

JAYANT KUMAR TREHAN Plaintiff
 Through Ms. Diksha Mathur, Advocate

versus

HDFC BANK LTD Defendant
 Through Ms. Jagriti Ahuja, Advocate

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

% **ORDER**
18.07.2018

The present suit has been filed for recovery of mesne profits.

On 24th August, 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. Kamal Nijhawan, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 6th July, 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.

Learned counsel for the parties admit that the settlement amount in accordance with the Settlement Agreement dated 6th July, 2018 has already been paid to the plaintiff.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 6th July, 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 and all pending applications stand disposed of.

MANMOHAN, J

JULY 18, 2018

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