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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 2440/2013 & CCP (O) 153/2014

ASHOK VERMA & ANR Plaintiffs
Through Plaintiff no. 1 in person.

versus

SRI KISHAN VERMA & ORS Defendants
Through Mr. Mehmood Hassan, Advocate for
deceased D-1.
D-2 to 4 in person.
Mr. Vijay Anand, Advocate for D-5
along with D-5.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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14.08.2018

The plaintiff no. 1, Mr. Ashok Verma and defendant nos. 2 to 4 are personally present in Court and they have been identified by Mr. Mehmood Hasan, learned counsel for deceased defendant no. 1. Mr. Ashok Kumar has handed over a photocopy of his Aadhar Card, which is taken on record.

Plaintiff no. 2 is not personally present as this Court is informed that he has been hospitalized.

At this stage, Mr. Ashok Verma, plaintiff no. 1 states that he wishes to delete the defendant no. 5 from the array of parties. Learned counsel for the defendant no. 5 has no objection to the same.

Accordingly, defendant no. 5 is deleted from the array of parties. Let an amended memo of parties be filed within one week.

It is pertinent to mention that present suit has been filed for partition.

On 25th April, 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. Manisha Tyagi, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 11th 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.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 11th 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 contempt petition stand disposed of.

Mr. Ashok Verma, plaintiff no. 1 and defendant nos. 2 to 4 are directed to sign today's order sheet as a token of acceptance of the order passed today. The said parties shall be identified by Mr. Mehmood Hasan, learned counsel for deceased defendant no. 1.

MANMOHAN, J

AUGUST 14, 2018

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