

**27 & 29**

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

+ **CS(COMM) 1009/2016 & I.A. 10051/2016**

**M/S KAFILA FORGE LTD** ..... Plaintiff  
Through: Ms. Swati Yadav, Advocate.

versus

**M/S INDOCHEM OIL INDIA LTD** ..... Defendant  
Through: Mr. Davinder N. Grover, Advocate with  
Mr. Jay Kr. Bhardwaj, Advocate.

**AND**

+ **CS(COMM) 1641/2016 & I.As. 15791/2016 AND 6745/2017**

**INDOCHEM OIL INDIA LIMITED** ..... Plaintiff  
Through: Mr. Davinder N. Grover, Advocate with  
Mr. Jay Kr. Bhardwaj, Advocate.

versus

**KAFILA FORGE LIMITED** ..... Defendant  
Through: Ms. Swati Yadav, Advocate.

**CORAM:**  
**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**  
**29.01.2018**

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Present suits have been filed for damages, permanent and mandatory injunction and for recovery.

On 01<sup>st</sup> December, 2017, present suits were referred to the Delhi High Court Mediation and Conciliation Centre.

Mediation in the present cases has been successful through the efforts of Mr. Sanjeev K. Baliyan, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 14<sup>th</sup> December, 2017.

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 suits in terms of the aforesaid Settlement Agreement.

Consequently, present suits are decreed in terms of the aforesaid Settlement Agreement dated 14<sup>th</sup> December, 2017 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare decree sheets in terms thereof.

Registry of this Court is also directed to issue to the plaintiffs a certificate authorizing them to receive back from the Collector full amount

of the Court fee paid by them in their respective suits.

With the aforesaid observations, the present suits and all pending applications stand disposed of.

**MANMOHAN, J**

**JANUARY 29, 2018**

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