

\$~9

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

+ **CS(OS) 1674/2015 & I.A.Nos.8135-8136/2016**

ALMEER FOR MANUFACTURING CONTROL PANELS

..... Plaintiff

Through Mr.M.K.Padhee, Advocate with
Mr.V.R.Potti, AR of the plaintiff.

versus

S S ENGINEERING WORKS & ANR

..... Defendants

Through Mr.Arvind Kumar with Mr.Vineet
Agarwal and Mr.Abhay Kumar
Mishra, Advocates for D-1 & 2.

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

**ORDER
08.10.2018**

%

Present suit has been filed for recovery of Rs.1,02,31,624/-

On 21st March, 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.Lovedeep Singh Bindra, Advocate-Mediator.

A Settlement Agreement has been executed between the parties
on 09th August, 2018.

Today learned counsel for the defendants has handed over to learned counsel for the plaintiff a banker's cheque dated 05th October, 2018 for sum of Rs.11 lakhs as payment of the first instalment in accordance with the aforesaid Settlement Agreement.

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 09th August, 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 an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector the full amount of the Court fee paid by it in the present suit.

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

List the matter for compliance on 26th April, 2019.

MANMOHAN, J

OCTOBER 08, 2018
KA