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

+ CS(OS) 549/2016 & I.A.Nos.13350/2016, 15758/2016

MR ANKUR ARORA Plaintiff

Through Mr.Mohit Chaudhary with
Mr.D.K.Sharma, Advocates.
versus

MR K C BAHL & ANR Defendants
Through Mr.M.K.Malhotra with Mr.Lalit
Bhardwaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **30.01.2018**

The present suit has been filed for specific performance of Agreement to Sell dated 16th March, 2016 and permanent injunction.

On 05th July, 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.Ravi Dutt Sharma, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 15th January, 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 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, the present suit is decreed in terms of the aforesaid Settlement Agreement dated 15th January, 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 the plaintiff a certificate authorizing him to receive back from the Collector the full amount of the Court fee paid by him in the present suit.

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

MANMOHAN, J

JANUARY 30, 2018

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