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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 629/2016 & I.As. 16062/2016 AND 14386/2017

SH ROHIT KUMAR

..... Plaintiff

Through: Ms. Gyan Mitra, Advocate.

versus

SH BALDEV RAJ MUNJAL & ORS

..... Defendants

Through: Mr. Baldev Raj, defendant No.1 in
person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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10.04.2018

Present suit has been filed for partition, declaration and permanent injunction.

On 06th December, 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 Ms. Kajal Chandra and Mr. Rajat Manchanda, Advocates-Mediators.

A Settlement Agreement has been executed between the parties on 12th 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 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 aforesaid Settlement Agreement dated 12th January, 2018 executed between the parties, which is marked as Ex.C-1.

Parties are directed to execute the documents as stipulated in para 10 of the aforesaid Settlement Agreement dated 12th January, 2018 within a period of eight weeks. Registry is directed to prepare a decree sheet in terms thereof.

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

MANMOHAN, J

APRIL 10, 2018

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