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

+ CS(COMM) 457/2016

TEKLA CORPORATION & ANR Plaintiffs

Through Ms.Aarshia Behl with Ms.Rhea
Fernandes, Advocates.

versus

JOEGY JOSEPH & ORS Defendants

Through Mr.Prawal Mishra with Mr.Nanda
Kumar K.B., Advocates for D-1 & 2.
Mr.Anand Sanjay M. Nuli, Advocate
for D-3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **08.01.2019**

The present suit has been filed for permanent injunction,
rendition of accounts, damages etc.

On 09th November, 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 Shyam S.Sharma, Advocate-Mediator. A Settlement
Agreement has been executed between the parties on 30th November,
2018.

Learned counsel for defendant nos.1 and 2 assures and
undertakes to this Court that the sum of Rs.5 lakhs in accordance
with para 6(e) of the aforesaid settlement agreement shall be paid to
the plaintiffs on or before 21st January, 2019.

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 30th November, 2018 executed between the parties, which is marked as Ex.C-1 as well as undertaking given by learned counsel for defendant nos.1 and 2. Registry is directed to prepare a decree sheet in terms thereof.

In the event, the amount of Rs.5 lakhs is not paid by the defendants by way of RTGS mode on or before 21st January, 2019, the plaintiffs are given liberty to mention the matter before this Court.

With the aforesaid observations, present suit stands disposed of.

MANMOHAN, J

JANUARY 08, 2019/KA