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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 611/2016

MILESTONE TRADE LINKS

..... Plaintiff

Through: Mr. Pankaj Bhagat, Advocate with
Mr. Nitin, authorised representative of
the plaintiff.

versus

YAMUNA INDUSTRIES LTD & ORS

..... Defendants

Through: Mr. S.K. Gandhi, Advocate with
Mr. Dipender Chauhan, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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06.03.2019

Present suit has been filed for recovery of Rs.3,84,13,424/- along with compensation and interest.

On 20th December, 2018, 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. H.K. Chaturvedi, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 12th February, 2019. In fact, Rs.80 lacs has been paid in full and final settlement by defendants to the plaintiff.

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 the aforesaid Settlement Agreement dated 12th February, 2019 executed between the parties along with Annexures, which is marked as Ex.C-1 (colly). Registry is directed to prepare a decree sheet in terms thereof.

In accordance with the judgment and order of the Division Bench of this Court in *Nutan Batra vs. Buniyaad Associates, 2018 LawSuit (Del) 6077*, Registry of this Court is directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector 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.

MANMOHAN, J

MARCH 06, 2019

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