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

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CS(OS) 2370/2013

RAM BABOO JAIN AND ORS

..... Plaintiffs

Through: Mr. Girish Aggarwal, Advocate with  
plaintiffs No.1 to 3 in person.

versus

VIPIN KUMAR JAIN AND ORS

..... Defendants

Through: Mr. Aquib Ali, Advocate for defendant  
No.1.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

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**18.01.2019**

**I.A. 618/2019**

Present suit has been filed for partition and declaration.

Learned counsel for plaintiffs states that in two connected matters being Test.Cas. No.86/2011 titled Ram Baboo Jain & Ors. Vs. The State of NCT of Delhi & Ors. and Test.Cas. No.25/2015 titled Vipin Kumar Jain Vs. State & Ors. parties were referred to the Delhi High Court Mediation and Conciliation Centre.

Mediation in the present case has been successful through the efforts of Ms.Prema Priyadarshini, Advocate-Mediator.

A Settlement Agreement has been executed between the parties on 16<sup>th</sup> 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 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 16<sup>th</sup> January, 2019 executed between the parties, which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

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

Registry is directed to list the Test.Cas. No.86/2011 titled Ram Baboo Jain & Ors. Vs. The State of NCT of Delhi & Ors. and Test.Cas. No.25/2015 titled Vipin Kumar Jain Vs. State & Ors. before this Court today.

**MANMOHAN, J**

**JANUARY 18, 2019**

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