

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

% **Date of Order : 14th February, 2023**

+ **CS(OS) 2290/2011**

TRIMURTI CONSTRUCTION DEVELOPERS & BUILDERS

..... Plaintiff

Through: Mr. Rajender Aggarwal and Mr.
Anoop Kumar, Advocates along
with Mr. Ranjan Kumar, Partner of
the plaintiff

versus

NATIONAL BUILDING CONSTRUCTION CORPORATION

(INDIA) LTD

..... Defendant

Through: Mr. Anish Chawla, Advocate

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

CHANDRA DHARI SINGH, J (Oral)

I.A. 2903/2023 (Under Order XXIII Rule 3)

1. The instant application under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of both the parties seeking the following reliefs:

"It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to record the above compromise and be further pleased to pass a decree in favour of the Plaintiff and against the defendant in the sum of Rs. 27,96,002/- (Twenty Seven Lakh Ninty Six Thousand and Two Rupees only) in terms of compromise agreement dated 6th January, 2023 that is Ex C-1 and the above said

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suit may be disposed of accordingly.”

2. Mr. Ranjan Kumar, the partner of the plaintiff's partnership firm is present in person. Mr. Yashraj, AM(Law) is also present on behalf of defendant-NBCC.

3. Learned counsel for the parties submitted that the dispute giving rise to the instant suit has been amicably settled between the parties vide Settlement Agreement dated 6th January, 2023.

4. It is submitted on behalf of the parties that during the pendency of the present suit, the parties have amicably settled all their disputes regarding the construction of building for newly set up Govt. Degree College at Samba Jammu and regarding the construction of building for newly set up Degree College at Basholi, near Jammu.

5. It is further submitted that in accordance with the compromise, the defendant has agreed to pay the Rs. 27,96,002/- (Rupees Twenty Seven Lakh Ninety Six Thousand and Two only) towards all claims of the plaintiff pertaining both the works and the defendant agrees that they have no objection to a decree being passed in the aforementioned amount.

6. The relevant extracts of the said Settlement agreement dated 6th January, 2023 are reproduced hereunder:

- “1. That the Second Party shall withdraw Civil Suit bearing CS (OS) No. 2290/2011 and any other pending litigations before any/all courts with regard to the said works as the case may be, against the First party and its officials.*
- 2. That upon receipt of certified copies of order(s)/judgment(s) from the Second Party confirming withdrawal of aforementioned case, the First Party shall thereafter pay an amount of Rs. 27,96,002.00 to the Second Party within Fifteen days. of receipt of said order(s)/judgment(s) and on*

failure of releasing of payment within 15 days of receiving of certified copy of order/judgment agreement will not have any validity and binding implication on the any party.

3. *That upon receipt of aforesaid amount of Rs.27,96,002.00 by the Second Party, there shall remain no dispute pending between the Parties arising out of the above said works and all/any disputes, grievances shall stand fully and completely satisfied between the parties.*
 4. *That the Parties hereby further confirm and declare that this Agreement is irrevocable and shall be binding on them, their successors, nominees and permitted assigns etc.*
 5. *That the courts at New Delhi shall have exclusive jurisdiction to entertain any/all disputes between the parties arising out of this settlement agreement to the exclusion of all other courts.”*
7. In view of the above facts and circumstances, the instant suit accordingly stands decreed in terms of the Settlement Agreement dated 6th January, 2023.
8. The Registry is directed to draw up a decree sheet in terms thereof.
9. With the aforesaid directions, the instant application stands disposed of along with instant suit.
10. The order be uploaded on the website forthwith.

CHANDRA DHARI SINGH, J

FEBRUARY 14, 2023

gs/ug

[Click here to check corrigendum, if any](#)