



\$~5.

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

+ **FAO(OS) 75/2022 & CM APPL. 29171/2022**

MS UTPALA MUKHERJEEAppellant

Through: Mr. Praful Jindal, Adv.

versus

AEROMARINE LOGISTICS PVT LTD & ORS.Respondents

Through: Ms. Sandipa Bhattacharjee, Mr.
Shivam Singh Advocates for R-5

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

%

05.09.2024

1. Present appeal has been filed challenging the order dated 31st May, 2022 passed by the learned Single Judge in I.A. No. 1560/ 2022 in CS(OS) 49/2022 whereby the application for interim relief filed by the appellant-plaintiff was dismissed.
2. The present matter was referred to the Delhi High Court Mediation and Conciliation Centre. Mediation in the present case has been successful through the efforts of Mr. Avneesh Garg, Mediator.
3. Today, a Settlement Agreement dated 04th September, 2024 executed between the parties has been received from the Registry. Learned counsel for the parties pray that the underlying suit be decreed and the present appeal be disposed of in terms of the mediated settlement.
4. 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 has 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 CPC and make a decree in terms of the settlement in regard to the subject matter of the suit, to make such settlement effective.

5. 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 underlying suit in terms of the aforesaid Settlement Agreement.

6. The statements/ undertakings given by the learned counsel for the parties are accepted by this Court and the parties are held bound by the same. The interim orders, if any, stands vacated.

7. Consequently, the present appeal and the pending application are disposed of and the underlying suit is decreed in terms of the aforesaid Settlement Agreement dated 04th September, 2024 executed between the parties, which is marked as Ex. C-1. The Registry of this Court is directed to prepare a decree sheet in terms thereof.

8. List the matter on 01st October, 2024 before the Joint Registrar for release of the money deposited in this Court.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 5, 2024

N. Khanna