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

+ **MAC.APP. 19/2024**

KAPIL PAL

.....Appellant

Through: Mr.Dushyant Yadav and Mr.Kartik
Yadav, Advocates (Through VC)

versus

PREMWATI & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **13.08.2024**

CM APPL. 46263/2024 (seeking modification of order dated 3rd May, 2024)

1. The instant application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant/appellant seeking the following reliefs:-

“Kindly modify the order dated 03.05.2024 and the settlement dated 19.02.2024 arrived between the parties before Delhi High Court Mediation and Conciliation Centre, High Court Delhi, New Delhi may also be recorder, in the interest of the justice.”

2. Learned counsel appearing on behalf of the applicant/appellant submitted that the captioned appeal has been settled by the parties before Delhi High Court Mediation and Conciliation Centre and a settlement deed dated 19th February, 2024, which is appended as Annexure-A to the appeal,



was executed between the parties. The entire matter has been settled in terms of the aforesaid settlement deed. It is further submitted that vide order dated 3rd May, 2024, the captioned appeal was disposed of on the basis of settlement between the parties. However, in the said order, reference with respect to the settlement deed, wherein the parties arrived at a settlement at Delhi High Court Mediation and Conciliation Centre, was not mentioned.

3. Learned counsel appearing on behalf of the applicant/appellant has placed reliance on paragraph 5 of the settlement deed dated 19th February, 2024, which is reproduced hereinbelow:-

“...5. It is further agreed between the parties that if any criminal proceedings or prosecution arising or imminent from or in relation to the incident that occurred on 06.04.2014 caused by the offending vehicle i.e. EICHER TRACTOR bearing registration No. HR20 P 6987 or related to FIR No. 543 of 2014 U/s 279/338/427/304A IPC registered at PS Loni, District Ghaziabad UP, the Second Party/claimants shall provide all necessary support in getting the aforesaid FIR quashed/set aside against the First Party in view of the present settlement.”

4. Thus, it is prayed that the order dated 3rd May, 2024 passed by the Predecessor Bench of this Court may be modified to the extent that the parties arrived at a settlement before the Delhi High Court Mediation and Conciliation Centre and the conditions specified therein may be mentioned in the order.

5. Heard learned counsel appearing on behalf of the applicant/appellant and perused the contents of the application.

6. In view thereof, Paragraph 2 of the order dated 3rd May, 2024 stands modified and shall now be read as under:-



“...Accordingly, the present appeal is dismissed as having been settled between the parties before the Delhi High Court Mediation and Conciliation Centre. The parties are directed to remain bound by the terms of the said settlement deed.”

7. Accordingly, the application stands disposed of.

CHANDRA DHARI SINGH, J

AUGUST 13, 2024

dy/sm

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