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

+ **CS(OS) 49/2025**

MRS. NIKITA BIHANI & ANR.

.....Plaintiffs

Through: Ms. Akanksha Kaul, Mr. Harsh Sethi,
Mr. Anant Nigam and Mr. Raghav
Luthra, Advs.

versus

MR.ROSHAN LAL GERA & ANR.

.....Defendants

Through: Mr. Gurmeet Bindra, Adv for D-1 and
2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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27.05.2025

I.A. 13675/2025 (ORDER XXIII, R 3 – BY PLAINTIFF & DEFENDANTS)

1. The instant joint application has been filed on behalf of the parties under Order XXXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC)
2. The parties are appearing through video conferencing, and their counsel are appearing in Court physically.
3. Learned counsel for the parties jointly submit that the matter has been settled in terms of the settlement agreement dated 02.05.2025. They, therefore, contend that the instant suit be decreed in terms thereof.
4. On perusal of the settlement agreement, the Court finds the same is provisions of Order XXIII, Rule 3 of the CPC). Accordingly, the aforesaid settlement agreement form part of the decree.
5. Order XXIII, Rule 3 authorises the Court to pass a decree on a compromise wherein the parties to the dispute have made an arrangement to



settle the dispute. It has been comprehensively stated in the provision that the settlement arrived at should meet the essentials laid down therein, namely, (i) the compromise is lawful (ii) it is reduced in writing (iii) it is duly signed by the parties arriving at the compromise.

6. The settlement has been agreed upon without fear or coercion and the parties appear to have entered into the settlement agreement on their own volition.

7. The Court is satisfied that the settlement has been arrived at between the parties following due procedure and meeting the essentials specified Order XXIII, Rule 3. Therefore, the parties shall be bound by the aforesaid settlement agreement.

8. In view of the aforesaid, the civil suit stands decreed in terms of the settlement agreement.

9. The Registry is directed to draw-up a decree sheet.

10. Since the matter has been settled before the mediation, the entire Court fee be refunded to the plaintiff.

11. The instant application stands disposed of.

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12. Consequent to the aforesaid order passed in the I.A. 13675/2025. The civil suit also stands disposed of along with pending applications.

13. The date already fixed i.e. 04.08.2025 stands cancelled.

PURUSHAINDR KUMAR KAURAV, J

MAY 27, 2025

aks/mj

Click here to check corrigendum, if any