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

+ **CS(OS) 392/2014, I.A. 6911/2019 & REVIEW PET. 200/2019**

SETH HOTEL PVT LTD

.....Plaintiff

Through: Mr. Manish Vashisht, Sr. Adv. with
Mr. Chitvan Singhal, Mr. Swapan
Singhal and Mr. Vedansh Vashisht,
Advs.

versus

SATISH KUMAR SETH & ORS

.....Defendants

Through: Mr. Neeraj Gautam, Adv. for D-1&2.
Mr. Atul K. Bandhu, Ms. Deepika
Jain and Ms.Kusum, Advs. for D-10-
13.
Ms. Adya Rao, Adv. for D-14 to 16.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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02.12.2025

1. The instant suit has been filed seeking the following reliefs:-

“a. Pass a decree declaring the Arbitration Award dated 23.06.2013 passed by the Arbitrator Hon'ble Mr. Justice R.P. Gupta (Retd.), and the consequent Order/Decree dated 27.09.2013 passed by this Hon'ble Court in CS (OS) No. 1417 of 2004, being without jurisdiction, illegal and null and void;

b. Pass a decree of permanent injunction restraining the defendants or their agents, assigns, successors and representatives from dealing and/or interfering with the possession of the plaintiff, interfering in construction of the Hotel of the plaintiff and rights of the plaintiff as lawful owner, and from claiming and/or representing themselves to have any right, title and interest in the Properties of the Plaintiff Company, admeasuring 798.40 sq.mtrs along with 400 sq.mtrs open space situated at Plot No. 17, District Centre, Laxmi Nagar, Delhi and property admeasuring 156.31 sq. mtrs



situated at adjoining to Plot No. 17, District Centre, Laxmi Nagar, Delhi Plot No. 17 in District Centre, Laxmi Nagar, Delhi, in any manner whatsoever; and

c. Any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case be also passed in favour of the plaintiff and against the defendants."

2. The prayer would clearly indicate that the decree passed by this Court on 27.09.2013 in CS(OS) 1417/2004 is under challenge.
3. Various submissions have been made by Mr. Vashisht during the course of arguments and he tries to highlight that the decree is vitiated on account of fraud and misrepresentation.
4. However, the legal position with respect to assailing a compromise decree is no longer *res integra*. This Court in the case of **Vipin Wadhwa v. M/s Prashant Enterprises and Ors.**¹, reiterating the decision of the Supreme Court in **Triloki Nath Singh vs Anirudh Singh (D) Thr. Lrs**², and has categorically held that no suit shall lie to set aside the decree on the ground that a compromise, on which the decree was passed, was not lawful.
5. In the case at hand, it is the compromise which essentially was entered into between the parties during the course of arbitration proceedings and has been made the rule of the Court. Therefore, it is the compromise decree which is essentially under challenge.
6. In deference to the aforesaid observation by the Court, Mr. Vashisht submits that since the filing of the civil suit, much development has taken place and the matter is in the advance stages of final hearing. He, therefore, submits that it would be in the interest of justice, if the Court considers to treat the instant civil suit and the material available on record to be an

¹ 2025:DHC:5229



application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908, filed in a disposed of suit bearing no. CS(OS) 1417/2004.

7. The aforesaid submission seems to be reasonable and is not opposed by the defendants.

8. Under these circumstances, let this suit be treated to be an application to have been filed in CS(OS) 1417/2004 and let the same be listed for consideration.

9. In view of the aforesaid, the instant suit stands disposed of.

10. Let the registry to convert the instant suit into an application and list the same in CS(OS)1417/2004 on 22.01.2026 before the Roster Bench, subject to the orders of the Hon'ble Judge In-charge.

PURUSHAINDR KUMAR KAURAV, J
DECEMBER 2, 2025/P/KSR

² AIR 2020 SC 2111