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

+ **CS(OS) 624/2023 & I.A. 11162/2025**

NISHANT JAIN

.....Plaintiff

Through: Mr. Saurabh Dev Karan Singh and
Ms. Vasudha Saini, Advocates

versus

ANIL KUMAR JAIN & ORS.

.....Defendants

Through: Mr. Akshay Jain, Mr. Prajwal
Chaturvedi and Mr. Mohammad
Paizan, Advocates for D-1 with
defendant no. 1 in person.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **05.05.2025**

CS(OS) 624/2023 & I.A. 11162/2025

1. The present application has been filed under Order XXIII Rules 1 and 3 of the Code of Civil Procedure, 1908 (CPC), seeking disposal of the suit in terms of the Settlement arrived at between the parties.

1.1. It is stated that on request of the parties the matter was referred to mediation under the aegis of Delhi High Court Mediation and Conciliation Centre by this Court vide order dated 17.12.2024.

2. It is stated that with the assistance of Mediator, the parties have amicably settled the disputes between them and have reduced the settlement in writing vide Settlement Agreement dated 10.03.2025 ('Settlement Agreement').

3. It is stated that the Defendant No.1 and the Plaintiff have performed

This is a digitally signed order.

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their respective obligations in terms of the Settlement Agreement and nothing remains to be performed or adjudicated by this Court.

4. Learned counsel for the Defendant No.1 states that Defendant No. 1 holds a Special Power of Attorney (SPA) on behalf of Defendant Nos. 2 to 5 and an affidavit filed in support of present application is also under instructions from Defendant Nos. 2 to 5.

5. Learned counsel for Plaintiff states that Plaintiff's wife, Ms. Shilpi Gupta is a party in Civil Suit No. 50/2021 pending before District Court, Patiala House and she will suffer a decree in terms of the Settlement Agreement in the said proceedings.

5.1. He confirms that the entire amount of Rs. 2.5 Crores stand received by the Plaintiff in terms of the Settlement Agreement and keys of the property have been handed over in terms of the said Settlement Agreement.

6. Parties state that all obligations assumed by the parties under the Settlement Agreement have been implemented and there remain no outstanding obligations against each other. Parties state that the suit be disposed of as nothing remains to be adjudicated.

7. The Supreme Court in **Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.**¹ while dealing with the Section 89 of the Code of Civil Procedure, 1908 (CPC) has observed that a settlement agreement executed through the process of mediation should be placed before the Court for recording it; and disposing of the suit in its terms. And, while dealing with the settlement agreement, Court should apply the 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.



8. This Court is satisfied that the compromise between the parties as contained in the aforesaid Settlement Agreement dated 10.03.2025 satisfies the requirement of Order XXIII Rule 3 CPC.

8.1. The compromise contained in the aforesaid Settlement Agreement dated 10.03.2025 is lawful and therefore, this Court does not find any impediment in disposing of the captioned suit in terms of the aforesaid Settlement Agreement.

8.2. The statements and undertaking given by the learned counsel for the parties are accepted by this Court and the parties are held bound by the same.

8.3. Consequently, the suit is hereby disposed of in terms of the Settlement Agreement dated 10.03.2025, which is marked as Exhibit 'C-1'.

9. Interim order stands vacated and Defendants will be at liberty to deal with the suit properties in the manner they deem fit.

10. All future dates stand cancelled.

11. Pending Applications stands disposed of.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MAY 5, 2025/mt/sk

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