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

+ **CS(OS) 787/2022 & CCP(O) 45/2024**

GOPI CHAND SHOKEEN & ANR.

.....Plaintiffs

Through: Mr. N.S. Dalal, Ms. Nidhi Dalal, Mr.
Alok Kumar, Ms Rachana Dalal, Mr.
Karan, Advocates (through VC)

versus

SHRI NOOR MOHD & ORS.

.....Defendants

Through: Defendants in person.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 21.05.2025

1. The present suit has been filed for partition qua the estate of late Sh. Badlu, who passed away in the year 1945. The subject matter of the suit is land bearing Khasra No. 531/1 (1-13), 531/2 (4-13) and 520 (3-9) situated in the revenue estate of Village Deendar Pur Najafgarh, New Delhi-110043.
2. This Court vide order dated 20.02.2025 passed a preliminary decree deciding the shares of the parties in the suit land. This Court vide the said order also referred the parties to Delhi High Court Mediation and Conciliation Centre (Mediation Centre). The mediation has resulted in successful settlement of the disputes.
3. Settlement Agreement dated 15.05.2025 executed between the parties has been received from the Registry.
4. Learned counsel for the Plaintiff and the Defendant state that suit may

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be disposed of in terms of the Settlement Agreement dated 15.05.2025.

5. Mr. Gopi Chand Shokeen and Mr. Iqbal Singh are appearing through Video Conferencing link. Defendants Sh. Noor Mohd., Sh. Yusuf, Sh. Ali Hussain, Mohd. Yasin, Sh. Arsad Khan, Sh. Ranu and Sh. Sikander are present in Court.

6. It is agreed in the Settlement Agreement dated 15.05.2025 that the West side of the suit land has fallen to the share of the Plaintiffs and the East side of the suit land has fallen to the share of the Defendants.

7. Defendants who are all present in Court confirm that they have an outstanding liability of removing a gate which is on the passage, as reflected on the survey plan (The position of the gate has been indicated in a **red mark**), which is annexure 'A' to the agreement. Defendant Nos. 1 to 7 state that they will remove the said gate, within one (1) week from today.

The survey plan, where the location of the gate is indicated with a red mark is taken on record.

8. All the parties state that they are bound by the terms of settlement as recorded in the Settlement Agreement dated 15.05.2025.

9. 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 between the parties should be placed before the Court for recording it and disposing of the suit in its terms. And, while dealing with the settlement the 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

¹ (2010) 8 SCC 24.



settlement effective.

10. This Court is satisfied that the compromise between the parties as contained in the aforesaid Settlement Agreement dated 15.05.2025 satisfies the requirements of Order XXIII Rule 3 CPC.

10.1. The compromise contained in the aforesaid Settlement Agreement dated 15.05.2025 is lawful and therefore this Court does not find any impediment in decreeing the captioned suit in terms of the aforesaid Settlement Agreement dated 15.05.2025.

10.2. The statements and undertaking given by the parties are accepted by this Court and the parties are held bound by the same.

11. Consequently, the captioned suit is decreed in terms of the Settlement Agreement dated 15.05.2025 executed between the parties.

12. The Registry of this Court is directed to prepare a decree in terms of this order and it is directed that the Settlement Agreement shall form part of the said decree.

13. Future dates, if any, stand cancelled.

14. Pending applications, if any, stand disposed of.

15. 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.

MAY 21, 2025/mt/akp

MANMEET PRITAM SINGH ARORA, J

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

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