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

+ **CS(OS) 2211/2006**

CAPITAL LAND BUILDERS PVT. LTDPlaintiff

Through: Mr. T. K. Ganju, Sr. Adv with Mr. Aquib Ali, Ms. Amreen Khaliq, Mr. Arsh Kaul, Advocate and Mr. Manoj Bansal, A. R. of the plaintiff.

versus

MR. AJAY CHAUDHARY & OTHERSDefendants

Through: Mr. Ashish Mohan, Sr. Adv with Mr. Samarth Chowdhary and Mr. Hem Kumar, Advs for D-1, 2, 3 and 5. Mr. Dinkar Singh and Mr. Rohit Singh, Advs for D-4.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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09.09.2025

I.A. 6184/2025 (BY DEF. 4 AND PLAINTIFF- ORDER 23 RULE 3-DISPOSE OF QUA D4 INTERMS OF SETTLEMENT)

1. The instant application has been presented in view of the settlement which has been arrived at between plaintiff and defendant no.4.
2. By way of the instant application, the plaintiff and defendant no. 4 pray for disposing of the civil suit in terms of the settlement arrived at between them.
3. The instant application is allowed.

CS(OS) 2211/2006 and I.A. 5803/2025



4. During the course of the hearing on the instant application, it transpires that the defendant no.4 and the plaintiff have entered into a settlement, and an application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC) has also been placed on record for its acceptance.
5. It appears that the primary objection raised by defendant nos. 1 to 3 and 5 with respect to I.A. 6183/2025 is on the basis of apprehension that the settlement, if any, is approved by the Court, the same would prejudice the rights and contentions of the said defendants.
6. Mr. Ashish Mohan, learned senior counsel for defendant nos. 1, 2, 3, and 5, however, submits that defendant nos. 1, 2, 3, and 5 will have no objections if the suit itself is withdrawn against the defendant nos. 1, 2, 3, and 5.
7. In view of the aforesaid, Mr. T. K. Ganju, learned senior counsel for the plaintiff, submits that he be granted liberty to withdraw the suit against defendant nos. 1 to 3 and 5.
8. Accordingly, the liberty, as prayed, is granted.
9. The instant suit stands dismissed as withdrawn against defendant nos. 1 to 3 and 5, and they stand deleted from the array of the parties.
10. 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.
11. 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.

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

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

14. The Registry is directed to draw up a decree sheet.

15. It is made clear that the rights of defendant nos. 1 to 3 and 5 shall not be prejudiced in any manner whatsoever by way of this order.

16. At this stage, the Court also takes note of the order dated 21.07.2025 passed in CS(OS) 1906/2006. It is, thus, directed that any sale must take place in conformity with the said directions or directions to be modified by the same Court.

17. The civil suit, along with the pending applications, stands disposed of.

18. The date already fixed in the matter, i.e., 13.10.2025, stands cancelled.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 9, 2025

aks/sp