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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1901/2006 & I.A. 11225/2006**
CAPITAL LAND BUILDERS PVT. LTDPlaintiff
Through: Mr. Aquib Ali, Ms. Amreen Khaliq
and Mr. Arsh Kaul, Advts.
versus
MR. AJAY YADAV & OTHERSDefendants
Through: Mr. Ashish Mohan, Sr. Adv. with
Mr. Samarth Chowdhary and Mr.
Amitro, Advts. for D-1 & D-2.
Ms. Sushila, Adv. for D-3 with D-3 in
person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **23.01.2026**

**CS(OS) 1901/2006 & I.A. 32635/2025 (under Order XXIII Rule 3 r/w
Section 151 CPC by D-3 and plaintiff for compromise decree in terms of
the settlement along with the affidavits)**

1. The above noted I.A. has been jointly filed by the plaintiff and defendant no.3 for disposing of the present suit as settled in view of the terms and conditions of the settlement which have been enumerated in para 3 of the application itself.
2. Mr. Aquib Ali, learned counsel for the plaintiff submits that the challenge in the present suit is to the sale of the property made by defendant nos.1 and 2 to defendant no.3. However, during pendency of the proceedings, the plaintiff has entered into the settlement with defendant no.3, therefore, he urges that the suit be disposed of in terms of the said settlement.



3. However, Mr. Ashish Mohan, learned senior counsel for defendant nos.1 and 2 submits that if the settlement is approved by the Court, the same would prejudice the rights and contentions of the defendants. He further contends that in case the plaintiff decides to withdraw the suit against defendant nos. 1 and 2, the said defendants would have no objection for allowing the application.

4. Mr. Ali, on instructions from the plaintiff, submits that he is withdrawing the suit against defendant nos.1 and 2.

5. Accordingly, the present suit is dismissed as withdrawn against defendant nos. 1 and 2.

6. In so far as the above noted I.A. No.32635/2025 is concerned, this Court finds that terms and conditions of settlement have been reduced in writing in para 3 of the application itself.

7. The application is signed by the plaintiff, as well as, defendant no.3 and their respective counsels. Further, the application is also supported by the affidavits of the plaintiff and defendant no.3.

8. Defendant no.3 is also present in Court and on being queried by the Court, she affirms the factum of settlement with the plaintiff.

9. In that view of the matter, this Court does not find any legal impediment in allowing the present application.

10. Accordingly, the application is allowed and the suit is decreed against defendant no.3 in terms of the conditions recorded in para 3 of the application, which shall form part of the decree.

11. It is clarified that the rights of the defendant nos. 1 and 2 shall not be prejudiced in any manner whatsoever by this order. Further, any sale of the suit property will take place in conformity with the directions contained in



the order dated 21.07.2025 passed by this Court in CS (OS) 1906/2006 as it exists today, or modified subsequently, if at all it so modified.

12. The suit along with present application stands disposed of in the above terms.

VIKAS MAHAJAN, J

JANUARY 23, 2026/dss