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

+ **CS(OS) 274/2025 & I.A. 14488/2025**

**JAIKARAN & ANR.**

**.....Plaintiffs**

Through: **Mr. Rajbir Singh Ruhil, Mr. Umesh  
Yadav, Advs.**

**versus**

**JAI BHAGWAN & ORS.**

**.....Defendants**

Through: **Mr. Uday Sharma, Advocate**

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

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**30.05.2025**

**I.A. 14488/2025**(Joint application under Order XXII Rule 3 CPC for passing decree on the basis of the compromise arrived at among the parties to the suit in mediation)

1. This is a joint application filed on behalf of parties seeking a decree in terms of the Settlement Agreement dated 22.05.2025 executed before the Delhi High Court Mediation and Conciliation Centre (Mediation Centre).
2. It is stated that land bearing Khata No. 95/127 Min of Village Jharodha Kalan, Tehsil Najafgarh, Delhi, has been partitioned and parties are now in possession of the separate portions of the suit land.
3. It is stated that division and the separate possession of the parties has been duly reflected in the site plan(s) filed with Settlement Agreement dated 22.05.2025 and their respective shares are defined and demarcated in the Clause '1' to '10' of the said Settlement Agreement. It is stated that the coloured copies of the said site plans are annexed with the original Settlement Agreement dated 22.05.2025 filed before the Mediation Centre.



4. Learned counsel for the parties state that this application is duly supported by the affidavits of all the parties i.e., Plaintiff No.1, Plaintiff No.2, Defendant No.1, Defendant No.2 and Defendant No.3 and the said parties are agreeable to the settlement recorded in the Settlement Agreement dated 22.05.2025

5. This Court has heard the submission of the parties and perused the record.

6. The Supreme Court in **Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.**<sup>1</sup> while dealing with the Section 89 of the 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, 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 settlement effective.

7. This Court has perused the Settlement Agreement dated 22.05.2025 and is satisfied that the compromise between the parties as contained in the aforesaid Settlement Agreement dated 22.05.2025 satisfies the requirement of Order XXIII Rule 3 CPC.

8. The compromise contained in the aforesaid Settlement Agreement dated 22.05.2025 is lawful and therefore this Court does not find any impediment in decreeing the underlying suit in terms of the aforesaid Settlement Agreement dated 22.05.2025. However, since parties could not appear today, the matter is listed before the learned Joint Registrar (J) for the limited purpose of personal appearance of the parties and recording their



statement. The parties will also be at liberty to appear through VC subject to counsel for the parties being present on VC with the party.

9. The Mediation Centre in the meantime is directed to send a coloured copy of the Settlement Agreement dated 22.05.2025 to this Court, so that coloured maps are on the record of this Court.

10. Consequently, the suit is hereby decreed of in terms of the Settlement Agreement dated 22.05.2025, which is marked as Exhibit 'C-1'.

11. 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.

12. The suit stands disposed of.

13. The date of **06.08.2025**, before the learned Joint Registrar is cancelled.

14. Pending application stands disposed of.

15. List on **22.07.2025**, before the learned Joint Registrar (J) for appearance and recording statement of the parties.

**MANMEET PRITAM SINGH ARORA, J**  
**MAY 30, 2025/mt**

*Click here to check corrigendum, if any*

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<sup>1</sup> 2010 8 SCC 24.