



2024 INSC 714

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2024
(Arising out of S.L.P.(C)No.24121 of 2023)

SHIVANGI SHANKER & Anr.

... Appellant (s)

VERSUS

RESHMA ESTATES Pvt. Ltd.

... Respondent(s)

ORDER

1. Leave granted.
2. The present appeal has been filed by the appellants against the judgment and decree¹ of the High Court². A suit³ for declaration was filed by the appellants seeking to enforce an Agreement dated 25.09.1986 which was allowed by the City Civil Court, Greater Bombay *vide* judgment and decree dated 07.12.2018. Aggrieved against the same the respondent preferred first appeal before the High Court, which was partly allowed and judgment and decree of the Trial Court was modified to some extent.
3. When the matter was listed before this Court on 06.11.2023, on consent by both the parties for reference of disputes

¹ Dated 13.09.2024

² High Court of Judicature at Bombay

³ Suit No.7566 of 2003 (Original Suit No.4091 of 2003)

for settlement through mediation, a request was made to Mr. Justice S.J. Vazifdar, Former Chief Justice of the High Court of Punjab and Haryana, to mediate between the parties and submit a report. The matter was directed to be listed after two months.

4. A report⁴ of the learned Mediator has been received, in terms of which the disputes between the parties stand settled in terms of Articles of Agreement⁵ signed by both the parties.

5. The report sent by the learned Mediator is taken on record.

6. In terms of Clause 16 of the report of the learned Mediator, the parties have agreed that in terms of Articles of Agreement arrived at between the parties, a request shall be made to this Court for passing final order in terms thereof.

7. As the disputes between the parties have been settled amicably in the process of mediation, on account of efforts made Mr. Justice S.J. Vazifdar, we dispose of the present appeal in terms of the Articles of Agreement executed by the parties on 22.08.2024. The impugned judgment and decree by the High Court shall stand modified in terms of the Articles of Agreement. The parties shall be bound by the conditions laid down therein. Final decree be drawn in terms of settlement arrived between the parties.

⁴ Dated 22.08.2024

⁵ Dated 22.08.2024

8. Accordingly, the Civil Appeal is disposed of.

.....J.
(J.K. MAHESHWARI)

.....J.
(RAJESH BINDAL)

New Delhi
September 17, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24121/2023

(Arising out of impugned final judgment and order dated 13-09-2023 in FA No. 859/2019 passed by the High Court Of Judicature At Bombay)

SHIVANGI SHANKAR & Anr.

Petitioner(s)

VERSUS

RESHMA ESTATES PVT. LTD.

Respondent(s)

(IA No. 221510/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT) (IA No. 231169/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES) (IA No. 228104/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-09-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Dharam Sharma, Adv.
Mr. Sumeer Sodhi, AOR
Mr. Arjun Nanda, Adv.

For Respondent(s) Mr. Mayank Pandey, AOR
Mr. Subramaniam S., Adv.
Mr. Rhythm Buaria, Adv.
Mr. Ashish Kumar Pandey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The Civil Appeal is disposed of in terms of the signed order.
3. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER

(Signed Non-Reportable order is placed on the file)