

24 [MISC DJ/434/2025](#)
CNR No. DLET010028772025
JAGGO DEVI
Vs.
RAJESH KASHYAP

07.08.2026

Present: Sh. Sidhant Dhingra, Ld. Counsel for the applicant.
Sh. Vikas Kumar Singh and Ms. Pushpa Yadav, Ld.
Counsels for the respondent.

Reply already filed by the respondent. Copy stated to have been supplied. Ld. counsel for applicant submits that he has not been supplied with the copy of reply. Same has been supplied again today.

By way of instant application, the applicant Smt. Jaggo Devi is seeking the relief that the consented decree dated 29.04.2019 be recalled and be declared as untenable. Admittedly, the suit bearing no. 632/2018 between the parties was disposed off as compromised in terms of Mediation Settlement, Ex-C1 on 29.04.2019. As per report of Reader of the Court, the instant application has been e-filed on 04.06.2025. Article 59 of the Limitation Act prescribes a period of three years for filing of the suit or application for setting aside a decree including a compromise decree. A clarification is sought from the applicant as to whether the present application is within the prescribed period of limitation.

Ld. counsel for the applicant has relied upon the judgment of **Navrattan Lal Sharma vs. Radha Mohan Sharma (2024) 12 SCR 453** in support of the contention that any compromise against public policy is void abinitio, hence, the

present compromise is unenforceable. It was the duty of the Court before passing the decree to analyse at to whether the mediation agreement was lawful, though the said exercise was not done at the relevant time, the same can be dealt with, at this stage. The court has to ascertain whether the Mediation Agreement Ex.C-1 is enforceable or not, in case of default and the enforceability of the agreement can be seen at any stage without any bar of limitation thereon.

Ld. counsel for the respondent, percontra, submits that the Mediation Agreement has a santity attached to it. Ld. counsel for respondent has relied upon the judgments titled as *Anand Gupta & Anr. vs. M/s. Almod Infrabuild Pvt. Ltd.* in OMP (Enf.) (Comm.) 148/2021 & CCP (C) 9/2024, CrI. M. A. 1903/2023, Ex. Appl. (OS) 2751/2022, Ex. APPL. (OS) 78/2023 and *Ravinder Chadha vs. Virender Chadha & Anr.* FAO (OS) 64/2024 & C.M. APPL. 27240/2024.

At request, put up for further arguments on behalf of parties on **22.09.2026 at 02.00 PM.**

(SHUCHI LALER)
District Judge-02 (East),
Karkardooma Courts/07.08.2026