

35.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 190/2013 and IAs No.1013/2015, 1615-16/2015**
and OA No.23/2015

Decided on 07.05.2015

IN THE MATTER OF:

ANKUR BHATEJA

..... Plaintiff

Through : Mr. Neeraj Singh, Advocate

versus

M/S PARSVANATH DEVELOPERS LTD

..... Defendant

Through : Mr. Rakesh Bhardwaj, Advocate

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J. (Oral)

1. Counsels for the parties jointly state they have arrived at an out of court settlement and the same has been reduced into a Memorandum of Settlement dated 7.5.2015, whereunder the defendant has agreed to pay a sum of Rs.33,95,521/- to the plaintiff in full and final settlement of all his claims, subject matter of the present suit, along with interest @13.5% p.a. from the date of deposit of each of the instalments. It is stated that post dated cheques have been given by the defendant to the plaintiff towards the satisfaction of the aforesaid amount and the defendant has given an assurance that as when the said cheques are presented for encashment, the same shall be duly honoured. The Memorandum of Settlement dated 7.5.2015 is taken on record.

2. As counsels for the plaintiff and the defendant jointly state that their clients have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, there appears no legal impediment in accepting the settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the Memorandum of Settlement dated 7.5.2015.

3. The suit is decreed in terms of the settlement arrived at and recorded in the aforesaid Memorandum of Settlement, while leaving the parties to bear their own costs.

4. At this stage, learned counsel for the plaintiff states that in view of the fact that the parties have arrived at a settlement at the stage of pleadings, the plaintiff is entitled to claim refund of 50% of the court fees in terms of Section 16-A of the Court Fees Act.

5. In view of the aforesaid submission made by the counsel for the plaintiff, the Registry is directed to issue a certificate in favour of the plaintiff for refund of 50% of the court fees, as per law.

6. The suit is disposed of, along with the pending applications and the Chamber Appeal.

7. File be consigned to the record room.

MAY 07, 2015/sk

CS(OS) 190/2013

(HIMA KOHLI)
JUDGE

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