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

+ CS(OS) 405/2008

SHRI SAYED ASGHAR ALI Plaintiff
Through : Mr. Sarfaraz Khan, Advocate
with P-4 in person.

versus
SHRI AMIR-UDIN AND ANOTHER Defendants
Through : Mr. Sunil Lalwani, Advocate
with D-1 in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% 05.11.2015

1. This order is in continuation of the order dated 29.10.2015, on which date, counsels for the parties had jointly stated that they have arrived at a settlement, whereunder defendants have agreed to pay a sum of Rs.30.00 lacs to the plaintiffs in full and final settlement of the disputes, subject matter of the present suit, within six months. On the said date, the defendants were directed to pay a sum of Rs.5.00 lacs to the plaintiff on or before 3.11.2015 and the balance amount was agreed to be liquidated on monthly basis so that the final instalment is paid on or before 30.4.2016.

2. Today, counsel for the defendants hands over six cheques bearing Nos.617773, 617774, 617775, 617776, 617777 and 61778, all drawn on State Bank of India, Jama Masjid, Delhi in the sum of Rs.5.00 lacs each in favour of the legal heirs of the plaintiff, out of

which the cheque bearing No.617778 is dated 5.11.2015 and the remaining five cheques are post dated. Counsel for the defendants assures the Court that as and when presented, the said cheques shall be honoured. Counsel for the plaintiffs accepts the said cheques. It is agreed the said cheques shall be presented by the plaintiffs every month starting from 5.12.2015 and ending on 5.4.2016.

3. As counsel for the parties state that having received the amounts agreed upon, nothing further survives for adjudication in the present suit, the suit is disposed of, while binding the defendants to the submission made herein above.

4. At this stage, learned counsel for the plaintiffs states that in view of the fact that the parties have arrived at an out of court settlement, the plaintiffs are 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 plaintiffs, the Registry is directed to issue a certificate in favour of the plaintiffs for refund of 50% of the court fees, in terms of the Court Fees Act.

6. File be consigned to the record room.