

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

+ **CS(OS) 961/2014**

Decided on: 08.01.2015

IN THE MATTER OF

M/S MIND NEXGENTECH LTD

..... Plaintiff

Through: Mr. Prem Ranjan Kumar, Advocate
with Mr. Arun Kumar Malik, AR of the
plaintiff.

versus

M/S GREEN MAX SYSTEMS AND ANR

..... Defendants

Through: Mr. A.G. Garg, Advocate with
Mr. M.N. Singh, Advocate for D-2.

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J. (ORAL)

I.A. 259/2015 (joint application u/O XXIII R 3 CPC)

1. The present application has been jointly filed by the parties stating *inter alia* that they have arrived at an out of court settlement in respect of the suit instituted by the plaintiff for recovery of ₹27,91,145.21 paise alongwith interest.

2. Counsels for the parties state that the terms and conditions of the settlement have been recorded in para 2 of the application, whereunder the defendant No.2 has agreed to pay a sum of ₹6,25,000/- to the plaintiff in full and final settlement of all its claim against both the defendants. Further, the defendant No.2 has

agreed to pay a sum of ₹30,000/- to the plaintiff towards litigation costs.

3. When the matter was listed on 07.01.2015, learned counsels for the parties had jointly stated that the defendant No.1, who is appearing in person, was on his way from Bhopal to Delhi but his train had got delayed. Today, learned counsel for the defendant No.2 states that the defendant No.1 had meet him last evening and had handed over two drafts for ₹6,25,000/- and ₹30,000/- respectively but due to an emergency, he had to return to Bhopal yesterday itself. Draft No.234939 dated 03.11.2014 for ₹625,000/- and draft No.345217 dated 19.11.2014 for ₹30,000/-, both drawn on Punjab National Bank, Habibganj, Bhopal, MP, in favour of the plaintiff are handed over by the counsel for the defendant No.2 to the counsel for the plaintiff and duly accepted.

4. The Court has perused the present application. The same has been signed by the counsel for the plaintiff and the authorised representative of the defendants No.1 and 2. The same is supported by the affidavits of the authorised representatives of the plaintiff and the defendants No.1 and 2. As the counsels for the parties jointly state that the parties have arrived at an out of Court 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 same. The parties shall remain bound by the terms and conditions of the settlement. The application is allowed and the suit is decreed in terms of the settlement.

5. The suit is disposed of alongwith the pending application.

(HIMA KOHLI)
JUDGE

JANUARY 8, 2015
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