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

+ CS(OS) 1213/2008 & CC No.36/2009.

M/S AL KARMA ..... Plaintiff

Through : Mr. Abdhesh Chaudhary and  
Mr. Sanjit Kumar, Advocate

versus

M/S INDO CONTINENTAL HOTELS & RESORTS LTD.

..... Defendant  
Through : Mr. Suryakant Singla, Advocate

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**ORDER**

% **17.09.2015**

1. Pursuant to the parties being referred to the Delhi High Court Mediation and Conciliation Centre, a Settlement Agreement dated 8.7.2015 has been placed on record.
2. Counsels for the parties state that in accordance with the terms and conditions of the settlement, they have settled the dispute raised in the present suit and the counter claim filed by the defendant, whereunder the defendant had agreed to pay a sum of Rs.10.50 lacs to the plaintiff in full and final settlement of all its claims against it.
3. Counsels for the parties state that two cheques for Rs.5.25 lacs each tendered by the defendant to the plaintiff have been encashed and nothing further survives for adjudication in the suit.

4. Counsel for the defendant states that in view of the settlement arrived at with the plaintiff, the defendant does not wish to press the counter claim.

5. The Court has perused the Settlement Agreement dated 8.7.2015 and the terms and conditions of the settlement as set out in para 6 thereof. Counsel for the plaintiff confirms having received the agreed amount of Rs.10.50 lacs from the defendant in full and final settlement of all its claims against the defendant. The Agreement has been signed by the authorized representatives of the plaintiff and the defendant and their respective counsels as also by the learned Mediator.

6. As the counsels for the plaintiff and the defendant jointly state that they 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 Settlement Agreement dated 8.7.2015 is taken on record and the parties shall remain bound by the terms and conditions of the said settlement.

7. The suit and the counter claim are disposed of, while leaving the parties to bear their own expenses.

8. At this stage, learned counsels for the parties state that in view

of the fact that the parties have arrived at a settlement through the court annexed mediation, prior to the stage of recording the evidence, the plaintiff and the defendant are entitled to claim refund of court fees on the plaint and the counter claim in terms of Section 16 of the Court Fees Act.

7. In view of the aforesaid submission made by the counsels for the parties, the Registry is directed to issue a certificate in favour of the plaintiff and the defendant for refund of the court fees in terms of Section 16 of the Court Fees Act.

8. File be consigned to the record room.

**HIMA KOHLI, J**

**SEPTEMBER 17, 2015**

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