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

+ CS(OS) 1671/2010 and I.A.10881/2010, 1363/2011,
3889/2011, 3890/2011

PRABHU DAYAL GUPTA Plaintiff
Through: Mr. Rajeshwar K. Gupta, Advocate
with plaintiff in person.

versus

M/S JOY ALUKKAS TRADERS INDIA P LTD Defendant
Through: Mr. Wills Mathew and Mr. Devendra
Kumar Tiwari, Advocates with Mr. Biju Kurien,
Law Officer of the defendant in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **11.12.2015**

1. Pursuant to the parties being referred to mediation, a Settlement Agreement dated 29.10.2015 has been placed on record. Counsels for the parties state that the settlement was arrived at between the parties well before the cut off date of 24.11.2015.

2. The Court is informed that in terms of the settlement, the defendant has handed over vacant peaceful possession of the suit premises to the plaintiff and paid a sum of Rs.4,08,469/- towards full and final settlement of all the claims of the plaintiff, subject matter of the present suit. Counsels for the plaintiff and the defendant jointly state that in view of the settlement, nothing survives for adjudication

in the suit.

3. The Court has perused the Settlement Agreement. The same has been signed by the plaintiff, the defendant and their respective counsels as also the learned Mediator.

4. As counsels for the parties 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 said settlement. The Settlement Agreement is taken on record and the parties shall remain bound by the terms and conditions of the settlement recorded therein.

5. The suit is disposed of in terms of the Settlement Agreement dated 29.10.2015 while leaving the parties to bear their own expenses.

6. At this stage, counsel for the plaintiff states that in view of the fact that the parties have arrived at a settlement through court annexed mediation prior to the stage of framing of issues in the suit, the plaintiff is entitled to claim refund of the court fees in terms of Section 16 of the Court Fees Act.

7. 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 the court fees, as per law.

8. The suit is disposed of alongwith the pending applications.
9. File be consigned to the record room.

HIMA KOHLI, J

DECEMBER 11, 2015
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