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

+ CS(OS) 2424/2012

M/S ZHUHAI HANSEN TECHNOLOGY CO LTD Plaintiff
Through : Mr. Amit Bansal, Advocate

versus

M/S SHILPI CABLE TECHNOLOGIES LTD Defendant
Through : Mr. Rajiv Shukla, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **21.05.2015**

I.A.No.10995/2015 (by the plaintiff u/Sec.16 of the Court Fees Act r/w Sec.89 and 151 CPC)

1. Counsels for the parties jointly state that during the pendency of the present proceedings, the parties were referred to mediation by the Division Bench in the proceedings arising out of the Company Appeal No.39/2013, wherein they have been able to arrive at a settlement. A copy of the Settlement Agreement dated 10.10.2014 has been enclosed with the present application. Under the settlement, the defendant had agreed to pay a sum of USD 800,000/- to the plaintiff in full and final settlement of all its claims, subject matter of the company appeal as also the present suit.

2. Counsel for the plaintiff confirms the fact that his client has received the entire amount as settled, and submits that he does not

wish to press the present suit, and states that in view of the fact that the parties have arrived at a settlement through the court annexed mediation, the plaintiff is entitled to refund of the court fees under Section 16 of the Court Fees Act. He adds that as the plaintiff/company is based in China and it does not have any office or a representative in India, at the time of instituting the suit, the court fees had been paid through the counsel on record. He requests that the when the certificate of refund of court fees is issued, the same may be issued in the name of the counsel for the plaintiff, i.e., Kundra and Bansal, who would then remit the refunded amount to the plaintiff/company, as per law.

3. In view of the aforesaid submission, the suit is disposed of along with the present application.

4. The Registry is directed to issue a certificate for refund of Court fees in favour of the plaintiff, through counsel namely, Kundra and Bansal, under Section 16 of the Court Fees Act. Counsel for the plaintiff shall in turn remit the refunded court fees to his client, in accordance with law.

5. File be consigned to the record room.

MAY 21, 2015/sk

HIMA KOHLI, J