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

+ CS(OS) 1649/2013

SANJIV AGRAWAL

..... Plaintiff

Through: Mr. T.V.S. Raghvendra Sreyas,
Advocate

versus

R.K. SHAH

..... Defendant

Through: Mr. Ankur Goel, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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18.03.2015

I.A. 5623/2015 (by the plaintiff u/O XXIII R 1 CPC)

1. The present application has been filed by the plaintiff stating *inter alia* that during the pendency of the present proceedings, the parties were referred to mediation and pursuant thereto, the Delhi High Court Mediation and Conciliation Centre was able to facilitate a settlement between them. The settlement was reduced into writing by virtue of a Settlement Agreement dated 24.02.2015, a copy whereof has been enclosed with the present application and is marked as Annexure A-1.

2. Counsels for the parties state that in terms of the settlement arrived at between them, the plaintiff had agreed to receive a sum of ₹13,50,000/- in full and final settlement of all his claims in the present

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case.

3. Counsel for the defendant states that he has brought a demand draft bearing No.253812 dated 06.02.2015 for a sum of ₹13,50,000/- drawn on Bank of Maharashtra, Mumbai, which is handed over to the counsel for the plaintiff. Having received the said amount, learned counsel for the plaintiff states that he may be permitted to withdraw the present suit in terms of the settlement recorded before the Mediation Centre.

4. Leave, as prayed for, is granted. The suit is disposed of in terms of the settlement arrived at between the parties.

I.A. /2015 (to be numbered) (by the plaintiff for refund of the court fee)

1. The present application has been filed by the plaintiff praying *inter alia* that the court fee deposited in the case may be refunded under Section 16 of the Court Fee Act in view of the fact that the parties have arrived at a negotiated settlement through court annexed mediation.

2. Issue notice.

3. Counsel for the non-applicant/defendant accepts notice and states that he does not have any objection to the prayer made in the present application.

4. In view of the aforesaid submission, the Registry is directed to issue a certificate of refund of the court fees to the plaintiff under Section 16 of the Court Fees Act.
5. File be consigned to the record room.

HIMA KOHLI, J

MARCH 18, 2015

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