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

+ CS(OS) 2064/2008 & IA No.24264/2014

RAJ KUMAR MALHOTRA Plaintiff

Through : Mr. Nalin Tripathi, Advocate
versus

OM PRAKASH MALHOTRA & ORS. Defendants

Through : Mr. Rajat Aneja, Advocate for D-1
Ms.Saahila Lamba, Advocate for D-2 & D-3
Mr.Gulshan Chawla, Advocate for D-4

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **20.07.2015**

1. Vide order dated 4.12.2014, a joint application(IA No.24264/2014) filed by the parties placing on record a copy of the Settlement Agreement dated 25.11.2014 arrived at before the Delhi High Court Mediation & Conciliation Centre was allowed. Further, the parties were permitted to take steps to implement the terms and conditions of the settlement that included sale of the suit premises.

2. Counsels for the parties state that in token of acceptance of the order dated 4.12.2014, all the parties had affixed their signatures on the order sheet. Thereafter, they have been making efforts to identify a suitable buyer for the suit premises. It is submitted that as all the parties had agreed that they shall continue making such efforts over a period of one year that shall expire in the month of December 2015, the present suit may be finally decreed in terms of the Settlement

Agreement dated 25.11.2014, while granting liberty to the parties to sell the suit premises to a prospective buyer who shall offer the best price for the same and in alternative, if they are unable to give effect to the terms and conditions of the settlement as recorded in the aforecited Settlement Agreement, then they may be given liberty to file execution proceedings as per law.

3. Leave, as prayed for, is granted. The suit is decreed in terms of the Settlement Agreement dated 25.11.2014 enclosed as Annexure PX-1 to IA No.24264/2014, while leaving the parties to bear their own expenses,

4. At this stage, learned 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 evidence, the plaintiff is entitled to claim refund of the court fees in terms of Section 16 of the Court Fees Act.

5. 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.

6. The suit is disposed of, along with the pending application.

File be consigned to the record room.

HIMA KOHLI, J

JULY 20, 2015/mk