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

+ CS(OS) 2069/2010 and I.A. 16699/2013

MANOJ KUMAR Plaintiff

Through: Mr. P. Kumar, Advocate with
plaintiff in person.

versus

SANJAY KUMAR

..... Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **30.04.2015**

1. On the last date of hearing, counsels for the parties had stated that they had arrived at a settlement, as recorded in the Settlement Agreement dated 18.12.2014, whereunder the defendant had agreed to pay a sum of ₹11 lacs to the plaintiff in full and final settlement of all the claims in the suit.

2. Counsel for the plaintiff states that the aforesaid amount was received by his client on 27.04.2015 and now, nothing further is due or payable to the plaintiff. He further states that the plaintiff has filed an affidavit dated 27.04.2015 stating *inter alia* that having received the amount of ₹11 lacs from the defendant, he is not left with any right, title or interest in the suit premises and the defendant would be entitled to deal with the same in any manner.

3. Annexed with an Index dated 27.04.2015, is a compliance affidavit of the defendant, who has stated therein that he has paid a

sum of ₹11 lacs to the plaintiff on 27.04.2015 in terms of the Settlement Agreement dated 18.12.2014. The plaintiff has filed a receipt dated 27.04.2015, acknowledging having received a sum of ₹11 lacs from the defendant.

4. In view of the fact that the parties have discharged their obligations under the Settlement Agreement dated 18.12.2014, nothing further survives for adjudication in the present suit.

5. The suit is decreed in accordance with the terms and conditions laid down in the Settlement Agreement dated 18.12.2014, while leaving the parties to bear their own costs

6. 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, 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, along with the pending application.

HIMA KOHLI, J

APRIL 30, 2015

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