

\$~1 & 2

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

+ CS(OS) 2739/2011 & IA No.3423/2015 and
CS(OS) 1561/2012

ANAND GUPTA

..... Plaintiff

Through :Mr. S.K. Sharma, Advocate with
plaintiff in person.

versus

MONA & ANR

..... Defendants

Through : Mr. Jagdish Vats, Advocate with
defendants in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

%

28.05.2015

1. Pursuant to the parties being referred to the Delhi High Court Mediation and Conciliation Centre, the learned Mediator has submitted a report dated 26.5.2015, stating *inter alia* that the parties have arrived at a settlement in terms of the Settlement Agreement dated 19.5.2015, whereunder the plaintiff has agreed to withdraw the present suits in view of the defendants agreeing to pay a sum of ₹50.00 lacs to him in full and final settlement, as per the schedule set out in para 7(b) of the Settlement Agreement.

2. Counsels for the parties jointly state that by now the defendants have paid the entire agreed amount of ₹50.00 lacs to the plaintiff and therefore nothing further survives for adjudication in the present suit.

3. Counsel for the plaintiff states that having received the sum of ₹50.00 lacs from the defendants, as agreed upon, all the claims of the plaintiff in both the suits stand satisfied.

4. It is relevant to note that the terms and conditions of the settlement arrived at between the parties were referred to in the orders passed on 25.2.2015, 19.3.2015 and 27.4.2015. Now that the counsels for the parties jointly state that the defendants have paid the entire agreed amount to the plaintiff, the Settlement Agreement dated 19.5.2015 is taken on record and the suits are disposed of, along with the pending application, while leaving the parties to bear their own costs.

5. The date already fixed in the suits, i.e., 18.8.2015 stands cancelled.

I.A.No.11812/2015 (by the plaintiff u/Sec.16 of the Court Fees Act for refund of the court fees) in CS(OS)No.2739/2011

1. Counsel for the plaintiff states that in view of the fact that the parties have arrived at a settlement through the court annexed mediation, prior to the issues being framed in the suit, the plaintiff is entitled to claim refund of the court fees in terms of Section 16 of the Court Fees Act.

2. 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 under Section 16 of the Court Fees Act.

3. The application is disposed of.

I.A.No.11813/2015 (by the plaintiff u/Sec.16 of the Court Fees Act for refund of the court fees) in CS(OS)No.1561/2011

1. Counsel for the plaintiff admits that evidence had already commenced in the present case and therefore, the present application does not lie. The same is accordingly disposed of.

2. Files be consigned to the record room.

HIMA KOHLI, J

MAY 28, 2015

sk