

\$~9

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

% ***Judgment dated 7th October, 2016***

+ CS(OS) 72/2015

M/S PRABHU DAYAL BUILDERS (INDIA) PVT. LTD. Plaintiff

Through Dr. L.S. Chaudhary and Ms. Reema
Bhala, Advocates

versus

M/S. JHS SVENDGAARD LABORATORIES LTD. Defendant

Through Mr. Sudeep Kumar Shrotriya,
Advocate for the defendant along with
Mr. Ashish Goel, Vice President of the
defendant company.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

G.S.SISTANI, J (ORAL)

1. Plaintiff has filed the present suit under Order XXXVII of the Code of Civil Procedure for recovery of money of Rs.2,87,57,618/- along with *pendente lite* and future interest.
2. Counsel for the parties point out that this matter was referred to the Delhi High Court Mediation and Conciliation Centre. The parties have entered into an amicable settlement and the disputes and differences have been thrashed out before the Mediator on 15.09.2016. The authorized representative and Vice President, Mr. Ashish Goel of the defendant company is present in Court. He identifies his signature on the Settlement Agreement. He also submits that he is authorized by the Resolution of the Board to enter into the settlement. A copy of the Board Resolution has been filed. The Settlement Agreement is exhibited as Ex.P-1. The Settlement Agreement is also signed by the

counsel for the parties. In terms of the Settlement Agreement, the defendant has agreed to pay a sum of Rs.95 lakhs to the plaintiff. Rs.20 lakhs shall be paid as the first instalment on Monday, *i.e.*, 10.10.2016 as the cheque which has been brought to Court today cannot be handed over on account of change of signatories. The Vice President of the defendant undertakes to the court that the terms of the settlement would be honoured.

3. Accordingly, the present suit is decreed in terms of Settlement Agreement Ex.P-1.
4. Since the matter has been settled through Mediation, the plaintiff would be entitled to refund of court fee.

I.A.5108/2015(under Order XXXVII Rules 3(4) CPC by the plaintiff)

5. The application is dismissed as not pressed.

I.A.5143/2016(under Order VII Rule 11 CPC by the defendant)

6. The application is dismissed as not pressed.

OCTOBER 07, 2016

pst

G.S.SISTANI, J