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

+ **CS(OS) 769/2014**

PREM CHAND GOEL & ANR

..... Plaintiffs

Through: Mr. P.D. Gupta, Senior Advocate with
Mr. Abhishek Gupta, Advocate

versus

GURCHARAN LAL HARJAI & ORS

..... Defendants

Through: Mr. Sanjay Bansal, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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28.07.2016

1. Mr. P.D. Gupta, learned Senior Advocate appearing for the plaintiffs states that the parties had been referred to mediation in the present suit and CS(OS) 883/2011 and pursuant thereto, they were able to arrive at a comprehensive settlement, reduced into writing by virtue of the Settlement Agreement dated 24.05.2016, a copy whereof is handed over by the counsel for the plaintiffs. It is submitted that the plaintiff in CS(OS) 883/2011 has already withdrawn the said suit as recorded in the order dated 13.07.2016, passed in I.A. 7946/2016. A copy of the order dated 13.07.2016 is handed over by the counsel for the plaintiffs.

2. Now the plaintiffs propose to withdraw the present suit, as has been agreed between the parties.

3. While taking on record the copies of the Settlement Agreement dated 24.05.2016 and the order dated 13.07.2016 passed in CS(OS) 883/2011, the

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present suit is dismissed as withdrawn.

4. At this stage, counsel for the plaintiffs states that in view of the fact that the parties have arrived at a settlement through court annexed mediation, prior to the stage of framing of issues, the plaintiffs are 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 plaintiffs, the Registry is directed to issue a certificate in favour of the plaintiffs for refund of the court fees, as per law.

6. File be consigned to the record room.

HIMA KOHLI, J

JULY 28, 2016

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