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

+ CS(OS) 1632/2013

PRAKASH KISHORE & OTHERS Plaintiffs

Through : Mr.Madan Gera, Adv.

versus

M/S ADIVA HEALTHCARE (P) LTD Defendant

Through : Mr.Raaj Malhotra and Ms.Abha
Malhotra, Advs.

+ CS(OS) 369/2014

ADIVA HEALTHCARE PVT LTD Plaintiff

Through : Mr.Madan Gera, Adv.

versus

PRAKASH KISHORE & ORS Defendant

Through : Mr.Raaj Malhotra and Ms.Abha
Malhotra, Advs.

+ EX.P. 330/2014

PRAKASH KISHORE & OTHERS Petitioner

Through : Mr.Madan Gera, Adv.

versus

M/S ADIVA HEALTHCARE (P) LTD Defendant

Through : Mr.Raaj Malhotra and Ms.Abha
Malhotra, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

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07.11.2016

1. At the request of counsel for the parties file of EX.P.330/2014 has been called from the Court of R.K. Gauba, J., who is not holding Court today. The file of EX.P.330/2014 has been listed.
2. CS(OS) 1632/2013 has been filed by the plaintiffs for possession and recovery of Rs.31,57,316/- together with interest. CS(OS) 369/2014 has been filed by plaintiffs-M/sAdiva Healthcare Private Limited (defendant in CS(OS) 369/2014) against CS(OS) 1632/2013. EX.P.330/2014 has been filed by the decree holder for execution of the orders dated 4.2.2014, 18.3.2014 and 4.4.2014 passed in CS(OS) 1632/2013.
3. Learned counsel for the parties submit that the parties to the present suit and the execution petition have entered into an amicable settlement before the Delhi High Court Mediation and Conciliation Centre on 27.10.2016. As per the settlement, it is agreed that the parties shall withdraw their respective claims. A copy of the Settlement Agreement dated 27.10.2016 has been handed over in Court today, which is taken on record and is marked as Exhibit P-1.
4. Learned counsel for the parties submit that in terms of the settlement Agreement dated 27.10.2016, it has been agreed between the parties that the plaintiffs in CS(OS)1632/2013 and CS(OS) 369/2014 would withdraw their respective suits. Counsel further submits that the parties have settled all their disputes and differences for a total sum of Rs.53,00,000/-, out of which Adiva Health Care Private Limited, plaintiff in CS(OS) 369/2014, has paid a sum of Rs.11,00,000/- by way of three Banker's cheques [Annexure C (Colly.) to the Settlement Agreement] to the plaintiffs in CS(OS)1632/2013 at the time of Settlement Agreement before the Mediation Centre. Six post-dated

cheques in the total sum of Rs.42,00,000/- [Annexures D (Colly.) and E (Colly.) to the Settlement Agreement] have been handed over by Adiva Health Care Private Limited, plaintiff in CS(OS) 369/2014, to the plaintiffs in CS(OS) 1632/2013. It is undertaken to the Court by the counsel for the plaintiff in CS(OS)369/2014 (M/S Adiva Healthcare (P) Ltd) on instructions that the aforesaid cheques would stand encashed on presentation.

5. Learned counsel for the parties submit that in view of the settlement arrived at between the parties, they do not wish to press their respective claims.
6. Accordingly, both the suits and the execution petition stand dismissed as withdrawn, however, the Execution Petition shall be listed on 30.1.2017 for reporting compliance. It is made clear that in case all the cheques are not encashed, the signatory of the cheques shall remain present in Court on the next date of hearing.

I.A. 2093/2015 IN CS(OS) 1632/2013

I.A. 20696/2014 IN CS(OS) 369/2014

E.A. (OS)NOS. 689/2014, 677/2015 & 796/2015 IN EX.P. 330/2014

7. Applications stand dismissed in view of the order passed above.

G.S.SISTANI, J

NOVEMBER 07, 2016

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