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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS (OS) 1947/2013

CAPT HARINDER SINGH KHARA Plaintiff
Through: Mr. Jagjit Singh, Advocate.

versus

PARAMJIT ARYA & ORS Defendants
Through: Mr. Rajesh Gupta with Mr. Harpreet
Singh, Advocates.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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29.08.2016

IA No. 10402/2016 (u/O 23 R 3 CPC)

1. This is an application jointly filed by the parties under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 ('CPC') read with Section 151 of the CPC supported by their respective affidavits of the Plaintiff on the one hand and Defendant No. 1 on the other. They pray that the suit be decreed in terms of the Settlement/Memorandum of Understanding ('MoU') dated 4th August 2016 which is annexed as Annexure A-1.
2. The Plaintiff and Defendant No.1 are the main contesting parties and the other Defendants have no claim and right in the suit property. The parties are bound by the Settlement/MoU dated 4th August 2016.
3. The application is allowed as prayed for.

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4. The suit is decreed in terms of the settlement/MoU dated 4th August 2016, which shall be treated as forming part of the decree. The decree sheet be drawn up accordingly.

5. Since the settlement has been arrived at between the parties before framing of issues, the Plaintiff is entitled to refund of the full court fee under Section 16 of the Court Fees Act, 1870.

6. The Registry will prepare and issue to the Plaintiff, within two weeks from today, a certificate entitling the Plaintiff to receive from the Collector of Stamps, the full amount of the court fees paid by the Plaintiff on the plaint.

7. The next date, i.e., 31st August 2016 stands cancelled.

S.MURALIDHAR, J

AUGUST 29, 2016

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