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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2828/2014**
CREONS INFRASTRUCTURE PVT LTD Plaintiff
Through: Mr. Naresh K. Daksh, Advocate

versus

LIFESTYLE INTERNATIONAL PVT LTD Defendant
Through: Mr. Priyadarshi Banerjee, Advocate with
Mr. Praveen Sehrawat and Mr. Saransh Jain, Advs.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **29.08.2016**

I.A. 10497/2016 (joint application u/O XXIII R 3 CPC)

1. The present joint application has been filed by the parties stating *inter alia* that during the pendency of the suit, they have been able to arrive at an out of court negotiated settlement, whereunder the defendant has agreed to pay a sum of Rs.10 lacs to the plaintiff in full and final settlement of all the claims, subject matter of the present suit.

2. Counsel for the defendant hands over a demand draft bearing No.816096 dated 17.08.2016 drawn on HSBC Bank in favour of the plaintiff, which is duly accepted by the other side. It is stated by the counsel for the plaintiff that having received the agreed amount, nothing further survives for adjudication in the present suit, which may be disposed of.

3. The Court has perused the present application. The same has been signed by the authorised representatives of the plaintiff and the defendant and is duly supported by their respective affidavits.
4. In view of the fact that the defendant has paid the agreed sum of Rs.10 lacs to the plaintiff, nothing further survives for adjudication in the present suit, which is accordingly disposed of while leaving the parties to bear their own costs.
5. At this stage, learned counsel for the plaintiff states that in view of the fact that the parties have been able to arrive at an out of court negotiated settlement prior to the state of recording of evidence, the plaintiff is entitled to claim 50% refund of the court fees in terms of Section 16-A of the Court Fees Act.
6. 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 50% refund of the court fees, as per law.
7. The suit is disposed of alongwith the pending application.
8. File be consigned to the record room.

HIMA KOHLI, J

AUGUST 29, 2016/rkb