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

+ **CS(COMM) 312/2016**

THE NEW INDIA ASSURANCE CO LTD Plaintiff
Through: Mr. Pankaj Seth, Advocate

versus

SINGAPORE AIRLINES CARGO PTE LTD & ORS..... Defendant
Through: Mr. K.R. Chawla, Adv. for D-1.
Mr. Jatinder Kumar Sethi, Advocate
for D-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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19.01.2017

IA No.712/2017 (Order 23 Rule 1 CPC)

1. The learned counsel on all sides submit that the parties have amicably settled the dispute through mediation the said process having resulted in settlement agreement dated 08.12.2016 which has since been made over to the court by the concerned mediator of Delhi High Court Mediation and Conciliation Centre (*Samadhan*). Documents brought on record with the said settlement agreement include (at page 80 of the paper book) copy of a demand draft issued by Standard Chartered Bank vide No.661090 dated 02.12.2016 in favour of the plaintiff, the New India Assurance Company Limited in the sum of Rs.23,50,000/-, which, the learned counsel for the plaintiff fairly concedes represents the full and final settlement of the claim in the suit.

2. By the application at hand, under Order 23 Rule 1 CPC (IA No.712/2017), the plaintiff seeks to withdraw the suit upon the handing over

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of the said bank draft by the counsel for defendant no.2. During the course of hearing, the learned counsel for defendant no.2 handed over, and the learned counsel for the plaintiff has received, the said demand draft. The payment through bank draft has already been acknowledged, as fairly conceded by the counsel for defendant no.2, by the plaintiff through a formal receipt.

3. In above view, having regard to the settlement which has been entered upon out of their free will and volition by the parties, the claim of the plaintiff having been satisfied, the suit is dismissed as withdrawn.

4. Since the dispute has been resolved amicably through the process of mediation, as prayed, the court fees shall be refunded.

5. *Dasti* to the parties.

R.K.GAUBA, J.

JANUARY 19, 2017

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