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

+ **CS(OS) 228/2016**

**VIKRANT PURI**

..... Plaintiff

Through: Ms. Tanya Khare, Advocate.

versus

**MR D K GUPTA & ORS**

..... Defendants

Through: Mr. Awijit Paliwal, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

% **15.12.2017**

**I.A. No.15045/2017 (under Order 23 Rule 3 CPC), CS(OS) No.228/2016 and CC No.31/2017**

1. This is an application (I.A. No.15045/2017) filed by the parties for recording the settlement between them and for withdrawing of the suit on account of the plaintiff receiving amounts from the defendants in terms of the settlement agreement dated 8.11.2017.

2. Counsels for the parties state that parties have entered into a settlement agreement which is signed by them and therefore since requirements of Order 23 Rule 3 of Code of Civil Procedure, 1908 (CPC) are satisfied therefore suit is accordingly allowed to be withdrawn in terms of the agreed terms as stated in the settlement agreement dated 8.11.2017.

3. Since the suit is withdrawn before recording of evidence, plaintiff will be entitled to refund of 50% of the court fee as per Section 16-A of the Court-fees Act, 1870 (as applicable to Delhi). Registry will issue the necessary certificate. Mutatis mutandis the counter claimants/defendants will also be entitled to refund of the 50% of the court fee and the Registry will issue the certificate in this regard.

4. Suit, counter claim and application are disposed of accordingly.

**VALMIKI J. MEHTA, J**

**DECEMBER 15, 2017**

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