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

+ **CS(OS) 422/2016**

MS. HIGIO ARUNI THROUGH ATTORNEY Plaintiff

Through: Mr. Chander Shekhar Bakshi, Advocate

versus

GURPREET SINGH ANAND & ORS Defendant

Through: Mr. Rajeev Saxena, Advocates for D-1 to D-3

Mr. Sudhir Rajbanshi, D-5 in person

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

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ORDER
21.04.2017

I.A. 4765/2017 (by plaintiff u/s 151 CPC for early hearing)

The present application under Section 151 of the Code of Civil Procedure, 1908, filed on behalf of the applicant/plaintiff, seeks advancement of the date of hearing on the ground that the parties have arrived at an amicable settlement of the underlying dispute.

Notice.

Mr. Rajeev Saxena, learned counsel accepts notice on behalf of defendant Nos.1 to 3. Mr. Sudhir Rajbanshi, defendant No.5, who appears in person also accepts notice. They fairly do not oppose the present application.

In view of the foregoing and for the reasons stated in the application, which are duly supported by an affidavit, the same is allowed. The date of hearing is advanced to today. The date already fixed i.e. 17.08.2017 stands cancelled.

The application is disposed of accordingly.

C.S. (OS) 422/2016 & I.A. 10164/2016

Learned counsel appearing on behalf of the parties, state in unison, that the underlying dispute that led to the institution of the present suit has been amicably settled by and between the parties with the aid and assistance of Delhi High Court Mediation and Conciliation Centre and the terms and conditions of the settlement are enshrined in the Settlement Agreement dated 04.10.2016.

I have perused the Settlement Agreement dated 04.10.2016 entered into by and between the parties. The said Settlement Agreement is lawful and is taken on record and exhibited as Ex.C1, leaving the parties to abide by their reciprocal obligations without demur.

Counsel appearing on behalf of defendant Nos.1 to 4, on instructions from the latter states that a total sum of Rs.1,58,50,000/-, which is lying with the Mediator, towards refund of the earnest money, in respect of the Agreement to Sell dated 20.08.2014, in full and final settlement, shall be paid to the plaintiff during the course of the day.

Directed accordingly.

In view of the foregoing, learned counsel appearing on behalf of the plaintiff seeks leave to withdraw this suit.

Leave granted.

The suit is dismissed as withdrawn and disposed of accordingly. Pending application also stands disposed of.

All interim orders passed by this Court in the instant suit stand vacated.

At this stage, learned counsel appearing on behalf of the plaintiff, by way of an oral request submits that since the instant suit has been settled by way of a settlement agreement dated 04.10.2016, the court fee be refunded to them, in terms of Section 16 of the Court Fees Act, 1870.

Heard.

The oral request made by learned counsel appearing on behalf of the plaintiff is allowed and the prayer made is granted. The court fee deposited by

the plaintiff be refunded to the latter, in terms of the provisions of Section 16 of the Court Fees Act, 1870.

SIDDHARTH MRIDUL, J

APRIL 21, 2017
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