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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 359/2017 & IA No.6051/2017 (u/O 39 R-1&2 CPC)**
MAKE-UP ART COSMETICS INC. Plaintiff

Through : Ms.Kripa Pandit with Mr.Dhruv Nayar and
Ms.Shreya Sethi, Advocates.

versus

MR. NEERAJ AGGARWAL & ANR Defendants

Through : Mr.Rajesh Jangra, Advocate, for D-1&2.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **25.09.2017**

IA 11277/2017 (u/O 23 R-3 CPC)

1. The matter is settled between the parties. The application is allowed.

2. Accordingly, the suit file CS(OS) 359/2017 is taken for disposal on the basis of settlement arrived at between the parties.

CS(COMM) 359/2017

1. The matter has been settled between the parties. Joint application (Ex.P-1) has been filed under Order XXIII Rule 3 CPC read with Section 151 CPC (IA No.11277/2017) to report settlement. The terms and conditions of the settlement arrived at between the parties have been incorporated in the application. It is prayed that the decree be passed in favour of the plaintiff in terms of the settlement.

2. I have enquired from the learned counsel for the parties if the matter has been settled between the parties with their free consent. It is informed that the dispute has been resolved amicably between the parties as per the terms and conditions incorporated in the application

(Ex.P-1). Learned counsel for the defendants have no objection to pass the decree in terms of para 4 to 11 of the application (Ex.P-1).

3. The joint settlement application (Ex.P-1) is supported by the affidavits of the parties. The matter has been settled amicably. There is no legal impediment to the grant of decree.

4. Since the matter has been settled between the parties amicably, the suit of the plaintiff is decreed. Terms and conditions contained in paras 4 to 11 of the joint application (Ex.P-1) shall form part of the decree. Parties shall abide by the terms and conditions contained in the application.

5. Since the matter has been settled before recording of the evidence, the court fee under Section 16 A of the Court Fee Act shall be refunded to the plaintiff as per rules.

6. Learned counsel for the plaintiff urges to issue necessary certificate for refund of the court fee in the name of the counsel representing the plaintiff due to certain difficulties; the plaintiff being from United States of America. To this, the learned counsel for the defendants has no objection.

7. Necessary certificate for refund of court fee be issued in the name of plaintiff's counsel. The fee so refunded shall be handover /paid by the learned counsel for the plaintiff to the plaintiff.

8. All pending IA(s) stand disposed of.

S.P.GARG, J.

SEPTEMBER 25, 2017 /sa