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

+ **CS(COMM) 1476/2016**

M/S FCML PROJECTS

..... Plaintiff

Represented by: Mr. A.S. Narula, Adv. with
Nirmal Khandelwal in person.

versus

M/S MIDDLE EAST HOTEL CO PVT LTD & ORS..... Defendant

Represented by: Mr. Kunat Vats, Ms. Jaya
Mandelia, Advs. for D-1,3&4.
Mr. Khawaja Siddiqui, Adv.
for D-2.
Mr. Sachin Puri, Sr. Adv. with
Ms. Poorva Pant, Ms. Mehak
Tanwar, Adv. for D-8&9.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.07.2017

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Learned counsel for the plaintiffs and defendant Nos.1 to 4 and 8&9 submit that dispute in the present suit has been resolved between the parties before the Delhi High Court Mediation & Conciliation Centre (DHCMCC). The settlement agreement between the parties in para 6 is on pages 390 to 395 of the present paperbook.

Plaintiff No.1/ M/s. FCML Distributors Pvt. Ltd. is represented through its Director plaintiff No.2/ Nirmal Khandelwal in person. Along with the settlement arrived at between the parties before the DHCMCC copy of the resolution of Board of Directors of M/s. FCML Distributors Pvt. Ltd. held 23rd May, 2013 has been placed on record authorizing Nirmal

CS(COMM) 1476/2016 **page 1 of 2**

Khandelwal, Director as the authorized person besides Abhinav Khandelwal to sign, execute, withdraw or settle the disputes arising in CS(OS) 1081/2009 now numbered as CS(COMM) 1476/2016.

Nirmal Khandelwal, the authorized representative of plaintiff No.1 and plaintiff No.2 in person is present in Court and is identified by the learned counsel. He states that he has settled the matter with the defendants noted above i.e. defendant Nos. 1 to 4 and 8&9. He further states that as per the settlement he had already received a sum of ₹15,15,596/- and the balance amount of ₹5,05,199/- has been received by him today in court by way of demand draft No. '006727' dated 15th July, 2017 drawn on HDFC Bank. He further states that the defendant No.1 has got quashed proceedings in FIR No. 446/2009 registered at PS Kadavanthra, Cochin and thus he does not wish to proceed with the present suit against defendants including defendant Nos. 5,6&7.

Mr. Nirmal Khandelwal on his own behalf and on behalf of plaintiff No.1, duly identified by the counsel, has signed the order sheet in acknowledgement of his statement made above. Since parties have settled the matter, the authorized representative of plaintiff No.1 and plaintiff No.2 in person seeks leave to withdraw the suit.

Suit is dismissed as withdrawn.

Since the parties have settled the suit during mediation, Court Fees be returned to the plaintiffs in terms of Section 16 of the Court Fees Act, 1870.

MUKTA GUPTA, J.

JULY 19, 2017 /'ga'
CS(COMM) 1476/2016

page 2 of 2