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

+ **CS(OS) 236/2014**

TARUN KAPOOR & ANR

..... Plaintiffs

Through **Mr.S.C.Nanda & Mr.S.P.Das, Advs.**

with Plaintiff No.1 in person

versus

NAGENDRA NATH JHA

..... Defendant

Through **Mr.P.N.Jha, Adv.**

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **05.01.2018**

I.A.No.119/2018 & CS(OS) 236/2014

This application is filed under Order 23 Rule 3 CPC seeking to withdraw the present suit in view of the Memorandum of Settlement dated 20.12.2017.

The parties have entered into a Memorandum of Settlement dated 20.12.2017. In terms the Memorandum of Settlement, the defendant has agreed to pay to the plaintiffs a sum of Rs.2.5 crores towards cost and expenses of the litigation. The said payment is to be made within 90 days of execution of the Memorandum of Settlement.

In case, the sale of the property takes place before expiry of 90 days, the defendant undertakes to pay the said cost and litigation expenses from the initial payment advance.

The application is allowed.

Binding the parties to the terms and conditions of the Memorandum

of Settlement dated 20.12.2017, the suit is dismissed as withdrawn.

In view of Section 16A of the Court Fees Act, the plaintiffs are entitled to refund of 50% of the Court Fee.

JAYANT NATH, J.

JANUARY 05, 2018/v