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

+ CS(COMM) 584/2018

MARICO LIMITED

..... Plaintiff

Through: Mr. Chander M. Lall, Ms. Shikha Sachdeva, Ms. Mugdha Palsule, Mr. Rupin Bahl and Mr. Vivian Mathur, Advocates.

versus

VINAYAK INDUSTRIES & ORS.

..... Defendants

Through: Mr. Suwarn Rajan Chauhan and Ms. Uma Devi, Advocates.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **26.10.2018**

1. The parties have amicably settled the matter on all issues except litigation cost. The terms of the settlement are recorded in the settlement agreement dated 23rd October, 2018 which is on record and is marked as Ex.C1.
2. The suit is decreed in terms of settlement Ex.C1. The Ex.C1 shall form part of decree.
3. Learned senior counsel for the plaintiff submits that actual cost of litigation of Rs.21,00,000/- be awarded to the plaintiff.
4. Mr. Amit Jain, proprietor of M/s Vinayak Industries present in Court submits on behalf of himself and the other defendants that a lenient view be taken against the defendants. It is submitted that the defendants turnover for the last year was approximately Rs.33,00,000/-. It is further submitted that his father is suffering from last stage of cancer and he has brought the medical record of his father in Court today.

5. In the facts and circumstances of this case, litigation cost of Rs.3,00,000/- is awarded to the plaintiff. Mr. Amit Jain present in Court undertakes to pay the aforesaid cost of Rs.3,00,000/- to the plaintiff in three equal monthly instalments. He undertakes to handover three cheques dated 01st November, 2018, 01st December, 2018 and 01st January, 2019 for Rs.1,00,000/- each to the counsel for the plaintiff within three days from today. Mr. Amit Jain undertakes that all the cheques shall be honoured on their first presentation. The undertaking of Amit Jain is accepted.

6. The parties shall not give any publicity to the proceedings in this matter including the settlement recorded.

7. Learned counsel for the plaintiff seeks refund of the Court fees. Since the matter has been resolved through mediation, the registry shall issue a necessary certificate to the plaintiff for refund of the Court fees under Section 16 of the Court Fees Act.

8. The suit is disposed of in the above terms.

9. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

OCTOBER 26, 2018

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