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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1473/2011**
ARAVALI INFRAPOWER LTD & ANR Plaintiffs
Through: Mr. Sanjay Kothiyal, Adv.
Versus
R.B GUPTA & ORS Defendants
Through: Mr. Ram Ekbal Roy, Adv. for D-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **08.02.2018**

1. This order is in continuation of the order dated 7th February, 2018.
2. Mr. Sanjay Kothiyal, Advocate for the plaintiffs appears and states that besides the present suit, a number of other proceedings were pending *inter se* parties and the parties have arrived at a settlement and in terms of the said settlement all the other proceedings have been withdrawn and only this proceeding remains.
3. However, strangely enough, he still seeks reference to the Mediation Cell of this Court.
4. I have enquired from the counsel for the plaintiffs that if all the proceedings have been settled and a settlement has already been arrived at, what is the need for referring the parties to the Mediation Cell of this Court. It has further been enquired as to where is the application of which advance copy was given to the counsel for the defendants and which the counsel for the defendant no.1 yesterday handed over in the Court and which was taken on record.

5. The counsel for the plaintiffs has handed over in the Court the application under Section 151 CPC, a copy of which was handed over by the counsel for the defendant no.1 yesterday and to which application, copy of a Compromise Deed dated 1st December, 2017 is annexed and as per which Compromise Deed, the present suit is to be withdrawn. However, in the prayer paragraph of the application, it is sought that the suit be decreed and / or disposed of.
6. The counsel for the plaintiffs states that in terms of the compromise, he will withdraw the suit but he is seeking reference of the matter to the Mediation Cell of this Court only to enable the plaintiff to get refund of the court fees.
7. The application handed over today has few blanks and though the application and the affidavit accompanying the same are signed but the purported affidavit is not attested.
8. The counsel for the plaintiff however confirms that the signatures on the affidavit are of the deponent thereof.
9. In the aforesaid view of the matter, the application is ordered to be taken on record as it is and the Registry to number the same.
10. The counsel for the defendant no.1 has no objection to the withdrawal of the suit.
11. The counsel for the plaintiff withdraws the suit.
12. The suit is dismissed as withdrawn.

13. A certificate entitling the plaintiffs to refund of the court fees paid on the suit less Rs.25,000/- be issued and handed over to the plaintiffs.

RAJIV SAHAI ENDLAW, J

FEBRUARY 08, 2018
'gsr'..