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

\+ CS(COMM) 1483/2016 & IAs No.13707/2016 (u/O XXXVIII R-5 CPC), 13708/2016 (u/O XXXIX R-10 CPC) & 4362/2017 (u/O XIII(A) R-4 CPC)

OM PRAKASH CHOPRA & ORS ..... Plaintiffs
Through: Mr. Rahul Sahdev, Adv.

Versus

R. K. FOOD & BEVERAGES & ORS ..... Defendants
Through: Mr. Abhik Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

O R D E R

% 04.12.2018

1. The counsel for the plaintiffs and the counsel for all the defendants state that the matter has been settled and the parties be referred to Mediation Cell of this Court to enable the parties to obtain refund of court fee.

2. The Mediation Cell need not be burdened for the said purpose alone.

3. The counsels, on enquiry, state that the defendants have already handed over vacant peaceful physical possession of the property, recovery of possession whereof was sought in this suit and it has been further agreed that the defendants, by 30th January, 2019 shall pay to the plaintiffs, a sum of Rs.7 lakhs in full and final settlement of the monetary claims in the present suit.

4. Accordingly, satisfaction of the claim in the suit only for recovery of possession is recorded and a decree is passed in favour of the plaintiffs and

jointly and severally against the three defendants, of recovery of Rs.7 lakhs. If the said amount of Rs.7 lakhs is not paid on or before 30th January, 2019, as agreed, the same shall also incur interest @ 18% per annum with effect from 30th January, 2019 till the date of recovery.

5. If the amount is paid on or before 30th January, 2019, a certificate be issued entitling the plaintiffs to get refund of court fee paid on the plaint less Rs.30,000/-. However, if the amount of Rs.7 lakhs is not paid by the defendants on or before 30th January, 2019, the plaintiffs shall also become entitled to recover the amount of the court fee paid along with professional fee of Rs.1 lakh jointly and severally from the defendants.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

DECEMBER 04, 2018
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