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

+ CS(COMM) 451/2017 & I.A.Nos.10859/2015, 14650-14651/2015,
17887/2015

A 2 Z MUSIC MEDIA PRIVATE LTD.

..... Plaintiff

Through Mr.Rakesh C.Agrawal and Ms.Manju
Agrawal, Advocates.

versus

DIGICELL MEDIA & ORS

..... Defendants

Through Mr.Ashok Kumar Bahl with Mr.Rajiv
Kumar Thakur, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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28.08.2018

Present suit has been filed for permanent injunction restraining infringement of copyright and declaration and recovery of damages.

Today the parties are personally present in Court in pursuance to the order dated 23rd August, 2018.

Learned counsel for the parties state that the parties have amicably resolved all their *inter se* disputes as under:-

(i) The defendant no.4 – Mr.Sudhakar Sharma shall withdraw the company petition being Petition No.95 ND of 2015 pending before the National Company Law Tribunal, Principal Bench Delhi, within a period of four weeks.

(ii) The defendant no.4 – Mr.Sudhakar Sharma shall transfer his entire shareholdings in favour of Mr.Sanjay Aggarwal for a sum of Rs.9

lakhs. The said amount shall be paid within a period of four weeks.

(iii) In view of the above, the plaintiff unconditionally withdraws the present suit.

In the opinion of this Court, the settlement terms arrived at between the parties are fair and reasonable.

Consequently, the present suit is decreed in accordance with the aforesaid settlement terms. Registry is directed to prepare a decree sheet accordingly.

At this stage, learned counsel for plaintiff prays for refund of the court fees.

This Court in ***Aya Singh Tirlok Singh Vs. Munshi Ram Atma Ram AIR 1968 Delhi 249*** has held as under:-

“(4)It is true that the Court-fees Act has made certain provisions for refund and it may be argued that the legislative intent should be held to exclude refund in other cases, but the formidable array of authorities upholding the inherent power of the Court to direct refund ex debito justitiae, impels us also to uphold the inherent power.

It must, however, be clarified that it is not every excess payment of court-fee which must be refunded as a matter of course. Apart from the mandatory provisions, the Court, in order to exercise its inherent power, has to consider the facts and circumstances of each case and come to a judicial determination whether or not the cause of justice requires refund.”

(emphasis supplied)

Consequently, Registry is directed to issue to the plaintiff a certificate authorizing it to receive back from the Collector the full

amount of the Court fee paid by it in the present suit.

Accordingly, the present suit and all pending applications stand disposed of.

As a token of acceptance of the order passed today, learned counsel for the plaintiff and the defendants are directed to sign today's order sheet.

MANMOHAN, J

AUGUST 28, 2018
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