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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 746/2017 & I.A. 12668/2017**
SKECHERS U.S.A., INC & OTHERS Plaintiffs
Through **Mr.Abhimanyu Chopra** &
Ms.Aishwarya Modi, Adv.
versus

FOOTWEAR (KLICK) INDIA PVT. LTD. & ORSDefendants
Through **Mr.Manoj Chauhan, Adv.**

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH
ORDER
% **10.07.2018**

IA No.8820/2018

This is a joint application filed under Order 23 Rule 3 CPC seeking to place on record the deed of settlement dated 31.05.2018 seeking disposal of the present suit in terms of the said deed of settlement.

The parties have entered into a deed of settlement dated 31.05.2018. A copy of the same is annexed as Annexure-A to the present application. The terms and conditions of the deed of settlement are legal and valid. The parties shall remain bound by the terms and conditions of the deed of settlement.

Accordingly, the application is allowed.

CS(COMM) 746/2017

In view of the order passed today in IA No.8820/2018, the suit is decreed in terms of paras 1 to 10 of the deed of settlement dated 31.05.2018. The suit is disposed of accordingly. The plaintiffs are also entitled to refund of 50% of the court fees under section 16A of the Court Fees Act.

At this stage, the learned counsel appearing for the plaintiffs submits that he has wrongly paid additional sum of Rs.3,01,500/- as court fees pursuant to the objection of the Registry. He submits that this amount is not payable in terms of the judgment of a Division Bench of this court in ***Microsoft Corporation & Anr. v. Sujan Kumar & Ors.***, RFA(OS)(COMM.) 1/2016, decided on 04.02.2016.

Keeping in view the above, the plaintiffs shall be entitled to refund of the entire additional court fees which have been wrongly paid by the counsel plus 50% of the original court fees.

It is also agreed that the goods which are in custody of the defendants under superdari be released to the plaintiffs within two weeks from today.

The suit is disposed of. All the pending applications, if any, is also disposed of.

JAYANT NATH, J.

JULY 10, 2018/v