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

+ **CS (OS) 32/2018**

D GIPRO SYSTEMS PVT LTD. & ANR. Plaintiffs

Through: Mr. Himanshu Yadav for Ms. Priya Hingorani and Mr. Aman Hingorani, Advocates. (M:9810791391) with Ms. Jayanti Chandrasekar, AR in person.

versus

DEV COTTAGE & ORS. Defendants

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **12.03.2019**

The Plaintiff has filed the present suit for recovery against Defendant Nos.1 to 3 i.e., M/s Dev Cottage, its Managing Partner- Mr. Suresh Thakur and Mr. Rakesh Gupta. The disputes between the parties have been settled vide Settlement Agreement dated 23rd April, 2018 under which a payment schedule has been agreed between the parties. Defendant No.1- Dev Cottage was represented by Shri Suresh Thakur, Managing Partner in the mediation proceedings. The Settlement Agreement records that the Plaintiff does not seek any relief against Defendant No.3. Ld. Mediators have certified that the parties have arrived at a settlement under which the Defendants have agreed to pay to the Plaintiffs a sum of Rs.2,95,03,488/- in accordance with the schedule as mentioned in paragraph 6(b).

None has appeared for the Defendants. There is no counsel, who has even filed vakalatnama on behalf of the Defendants. Defendant No.2 has been appearing on a few occasions before the Joint Registrar. However, Ms.

Jayanti Chandrasekar, authorised representative of the Plaintiff is present. She submits that the post-dated cheques, which have been issued to the Plaintiffs, are being paid. Accordingly, the disputes having been settled, since there is no counsel on behalf of the Defendants but the Ld. Mediator and Co- Mediator having signed the Settlement Agreement, which bears the signatures of the parties, the Settlement Agreement is taken on record. The terms have been perused and the same are lawful. The Defendant Nos. 1 & 2 have, in fact, implemented the settlement by making several payments as mentioned in the agreement. It is, accordingly, held that the parties shall be bound by the terms and conditions set out in the Settlement Agreement. The Defendants shall ensure that the cheques, which have been given to the Plaintiffs, shall be honoured. The suit is decreed in terms of the Settlement Agreement. Decree sheet be drawn up.

In view of the fact that the disputes have been resolved in mediation proceedings, the Plaintiffs are entitled to refund of the Court fees to the tune of Rs.3,02,952/-. Registry is directed to refund the court fee to the Plaintiffs.

PRATHIBA M. SINGH, J.

MARCH 12, 2019/dk