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

+ **FAO(OS) (COMM) 63/2019**

FITNESS FIRST INDIA PRIVATE LIMITED Appellant

Through: Mr.Suveer Dhyani and Ms. Sonal
Sarda, Advocates

versus

**AMBIENCE DEVELOPERS & INFRASTRUCTURE PRIVATE
LIMITED**Respondent

Through: Mr. P.K.Agrawal, Ms. Deepti Gupta,
Ms. Srutisma Hazarika and Ms. Tannya Sharma,
Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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22.10.2019

C.M.Appln.46392/2019 (joint compromise application by the parties)

1. The present application has been jointly filed by the parties under Order 23 Rule 3 CPC stating *inter alia* that they have arrived at a comprehensive settlement.
2. Learned counsel for the parties state that vide order dated 12.04.2019, with the consent of the parties, who were willing to negotiate an amicable settlement, they were directed to appear before Hon'ble Justice Madan B. Lokur, former judge of the Supreme Court of India, appointed as a Mediator by the predecessor Bench. Pursuant thereto, the parties had appeared before the learned Mediator and he has facilitated a settlement between the parties,

terms and conditions whereof are recorded in para 3 of the present application.

3. It is stated by learned counsel for the parties that in terms of the settlement, the appellant has agreed to pay the respondent a sum of Rs.6,16,50,000/- in full and final settlement of all the disputes, differences and claims of the respondent. It has further been agreed that the appellant will bear the GST and deduct TDS from the amount payable to the respondent.

4. Learned counsel for the parties state that four demand drafts totalling to a sum of Rs.6,76,75,616/-, including GST and less TDS, have been drawn by the appellant in favour of the respondent and handed over. The appellant undertakes to hand over the TDS certificates to the respondent within four weeks from today. In view of the settlement arrived at between the parties, it is agreed that they shall withdraw the pending proceedings referred to in para 3(ii) of the present application. The parties have also agreed that neither party shall raise any new dispute or claim against each other based on the same cause of action. It is jointly stated that the settlement be taken on record and the present appeal be disposed of in terms thereof.

5. We have perused the application. The same has been signed by both the parties through their authorized representatives and is supported by their respective affidavits. The application has also been signed by the respective counsel.

6. In view of the fact that the parties have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarter, there appears no impediment in

accepting the same. The terms and conditions of this settlement as recorded in the present application are taken on record. The parties shall remain bound by the said terms and conditions. The application is allowed and disposed of.

FAO(OS) (COMM) 63/2019, C.M. APPLs.14169/19 (by the appellant for placing additional documents), C.M.Appln.14170/19 (stay) and C.M.Appln.14171/19 (permission to file lengthy synopsis)

In view of the orders passed hereinabove, nothing further survives in the present appeal and the pending applications, which are also disposed of.

HIMA KOHLI, J

ASHA MENON, J

OCTOBER 22, 2019

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