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

+ **CS(COMM) 1080/2018 & I.A.57/2019 & 468/2019**

PHOOLTAS TRANSRAIL LTD. Plaintiff

Through: Mr. Sameer Abhaynkar, Mr. Amish
Tandon, Mr. Ayush Beotra and Mr.
Akshay Joshi, Advocates.

versus

**INTERNATIONAL CARGO TERMINALS
AND RAIL INFRASTRUCTURE PVT. LTD. Defendant**

Through: Mr. Madhav Khosla and Ms. Harshita
Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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28.02.2019

CS(COMM) 1080/2018 & I.A.3150/2018

1. The parties have amicably resolved their disputes and have filed a joint application, I.A.3150/2019 along with memorandum of settlement dated 16th January, 2019. I.A.3150/2019 is supported by their affidavits. I.A.3150/2019 along with affidavits and memorandum of settlement dated 16th January, 2019 is marked as Ex.C1.
2. The settlement between the parties is lawful and recorded. Application is allowed. The suit is disposed of in terms of Ex.C1 with liberty to the plaintiff to revive the same in terms of clause 5 of the memorandum of settlement dated 16th January, 2019. Both the parties shall remain bound by the terms of the settlement.

3. Learned counsel for the plaintiff seeks refund of the Court fees. Considering that settlement between the parties contains a clause for revival of the suit in the event of breach of the settlement and the position with respect to compliance will be cleared by 30th April, 2019, the registry shall issue a certificate for refund of 50% of Court fees to the plaintiff after the filing of affidavit by the plaintiff that the contingency for reviving the suit has not arisen.
4. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

FEBRUARY 28, 2019
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