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

+ CS(COMM) 1154/2018 and IAs 13572/2018, 13574/2018,
14008/2018, 16114/2018, 914/2019 and 14035/2019

U P HOTELS CLARKS LIMITED AND ANR Plaintiffs

Through: Mr. Ankur Khandelwal and
Mr. Gowrang, Advs.

versus

GRACES RESORTS (PARTNERSHIP FIRM)

& ORS.

..... Defendants

Through: Ms. Kanishka Prasad, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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17.10.2019

IA 14035/2019

This application has been filed by the plaintiffs under Order XXIII

Rule 3 CPC with the following prayers:

“It is therefore, most respectfully prayed in the interest of justice and for the reasons explained above, this Hon'ble Court maybe pleased to:

(a) take on record the Settlement Deed dated August 21 (it should be 22), 2019 between the Plaintiffs and the Defendants;

(b) order the terms of Settlement Deed dated August 21 (it should be 22), 2019 be recorded and pass a decree in accordance therewith, as per the provisions of Order XXIII Rule (3) of the Code of Civil Procedure, 1908; and

c) pass such other relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Learned counsel for the defendants states, the settlement deed dated August 22, 2019 has been signed for and on behalf of defendant no.1 as well as by the three other defendants. She also joins the counsel for the plaintiffs that the Suit be decreed in terms of the deed of settlement. The photocopy of the deed of settlement as annexed with this application is taken on record and the same is exhibited as Exhibit-A.

Noting the submissions made by the counsel for the defendants and the contents of the application, the Suit is decreed in terms of the deed of settlement dated August 22, 2019, which is exhibited as Exhibit-A. Decree sheet be drawn accordingly.

At this stage, learned counsel for the plaintiffs has made a request for refund of the court fees. As the parties have settled their inter-se disputes outside the court, the plaintiffs are entitled for refund of court fees in terms of Section 16A of the Court Fees Act, 1870.

The suit is disposed of.

The date already fixed, i.e., October 21, 2019 stands cancelled.

IA's 13572/2018, 13574/2018, 14008/2018, 16114/2018, 914/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

OCTOBER 17, 2019/jg