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

+ CS(COMM) 588/2019 & I.A. 14672/2019

PRAPHULL PALIWAL

..... Plaintiff

Through: Mr. Naroday Rajpurohit, Mr. Mudit
Tayal & Mr. Akshay, Advocates.

versus

ADIT JAIN & ORS.

..... Defendant

Through: Mr. Abhinav Gupta & Mr. Harsh
Jain, Advocates for D-1, 2 & 4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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03.03.2020

1. The parties have arrived at a settlement in the course of mediation and a settlement agreement dated 24.02.2020 has been placed on record. The terms of settlement are contained in paragraph 6 of the settlement agreement.

2. The settlement agreement is signed by the constituted attorney of the plaintiff and the authorised representatives of the four defendants. The power of attorney and the authorisations in favour of the signatories have also been placed on record. The settlement is also signed by learned counsel for the parties and by the learned mediator.

3. Under the settlement agreement, the defendant has handed over two cheques to the plaintiff, one dated 24.02.2020 for a sum of ₹11,00,000/- and other dated 14.06.2020 for a sum of ₹10,00,000/-.

Although the settlement agreement contemplates adjournment of the present suit until after 14.06.2020, learned counsel for the parties agree that the suit be decreed in terms of the settlement agreement upon the defendant no. 2 filing an undertaking that the post-dated cheque [cheque no. 000024 dated 14.06.2020 drawn on Kotak Mahindra Bank] will be honoured upon due presentation in accordance with law.

4. In view of the submission aforesaid, there is no impediment to disposal of the suit in terms of the settlement agreement. Decree sheet be prepared accordingly. Defendant no. 2 is directed to file an undertaking to the aforesaid effect within one week from today.

5. In view of the fact that the parties have arrived at a mediated settlement, the plaintiff is entitled to refund of court fees under Section 16 of the Court Fees Act, 1870. The Registry will issue a certificate to this effect.

6. The suit and all pending applications are disposed of in terms of this order.

PRATEEK JALAN, J

MARCH 03, 2020

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