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

+ CS(COMM) 578/2019

THERMAX LTD.

..... Plaintiff

Through: Mr.R.Sudhinder & Ms.Prerana
Amitabh, Advocates

versus

MAXIM SPECIALTY CHEMICALS PVT. LTD. Defendant

Through: Mr.Abhishek Bansal &
Mr.O.P.Bansal, Advocates

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.02.2020

I.A. 1710/2020 (under Order XXIII Rule 3 of the CPC)

1. This is a joint application by the parties under Order XXIII Rule 3 of the Code of Civil Procedure, 1908. It is stated that the parties have settled their disputes and entered into a settlement agreement dated 04.02.2020. A copy of the settlement agreement has been annexed to the application.

2. The application is signed by the authorised signatory of the plaintiff and by the director of the defendant. A Special Power of Attorney in favour of the authorised signatory of the plaintiff is also placed on record by the plaintiff. The application is also signed by learned counsel for the parties and supported by affidavits on behalf of the plaintiff and the defendant.

3. In these circumstances, learned counsel for the parties pray for a decree in terms of the settlement agreement dated 04.02.2020.

4. Having regard to the submissions of learned counsel for the parties and material placed on record, I do not find any impediment to the grant of a decree as prayed. The suit is decreed in terms of the settlement agreement dated 04.02.2020. The settlement agreement will form part of the decree. Decree sheet be prepared accordingly.

5. In view of the fact that parties have entered into a settlement at a preliminary stage of the proceedings and prior to the commencement of trial, the plaintiff is entitled to refund of 50% of court fees under Section 16A of the Court Fees Act, 1870. The Registry will issue a certificate to this effect.

6. The suit and all pending application(s) are disposed of in the above terms.

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In view of the order passed in I.A. 1710/2020, the suit stands disposed of.

The next date fixed before Court of 17.02.2020 is cancelled.

PRATEEK JALAN, J

FEBRUARY 06, 2020

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