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

+ CS(COMM) 559/2019, I.A. 13832/2019

DAIMLER INDIA COMMERCIAL
VEHICLES PVT. LTD.

..... Plaintiff

Through: Mr.Saif Khan, Mr.Shobhit
Agrawal & Mr.Deepank Singhal,
Advocates.

versus

HARSHIT JAIN & ORS.

..... Defendants

Through: Mr. Palav Agarwal &
Mr.Sudhanshu Kaushesh,
Advocates alongwith Mr.Harshit
Jain & Mr.Sunil Jain, IN Person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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11.02.2020

I.A. 1938/2020(Application on behalf of plaintiff and defendants under Order XXIII Rule 3 of the CPC for settlement of the suit)

1. This is a joint application filed by the plaintiff and defendant nos. 1 and 2 under Order XXIII Rule 3 of the Code of Civil Procedure, 1908. It is stated that the suit has been settled between the plaintiff and the defendant nos. 1 and 2. Learned counsel for the plaintiff states that the plaintiff does not press for any relief against defendant no.3.

2. The terms of settlement are contained in paragraphs 2(i) to 2(x) of the application. The application is signed by the authorised signatory of the plaintiff, and the sole proprietors of the defendant nos.1 and 2. It is also signed by the counsel for the said parties and supported by affidavits

of the signatories. Learned counsel for the parties to the settlement submit that, in terms of the application, the defendant nos. 1 and 2 have agreed to subject themselves to a decree in terms of paragraphs 46(a) to (d) of the plaint. They seek a decree as against defendant nos. 1 and 2 in terms of the settlement.

3. Having heard learned counsel for the parties, and on the basis of materials placed on record, I do not find any impediment to grant of a decree as sought in this application. The suit is decreed, as against defendant Nos. 1 and 2 in terms of paragraphs 2(i) to 2(ix) of the application and prayer clauses 46(a) to (d) of the plaint. Decree sheet be prepared accordingly. As the plaintiff does not press any relief against defendant no.3, the suit stands dismissed as withdrawn qua defendant no.3.

4. Learned counsel for the defendants has handed over two demand drafts for the cumulative sum of ₹5,00,000/- to learned counsel for the plaintiff in Court today, in compliance of paragraph 2(viii) of the application.

5. In view of the fact that the suit has been settled at a pre-trial stage, the plaintiff is entitled to refund of 50% of the court fees under Section 16A of the Court Fees Act, 1870. The Registry is directed to issue a certificate to this effect.

6. The suit and the pending applications are disposed of in terms of the above.

PRATEEK JALAN, J

FEBRUARY 11, 2020/ 'pv'/s
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