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

+ CS(COMM) 42/2020 & I.A. 1001/2020

NAND KISHORE & ORS. Plaintiffs

Through: Mr.Murari Tiwari, Mr.Rahul
Kumar, Mr.Shivam Malhotra &
Mr.Anurag Mishra, Advocates

versus

NEW SANJHA CHULHA & ORS. Defendants

Through: Mr.Harsh Mohan Ojha, Advocate
for D-1, 2 & 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **26.02.2020**

I.A.2679/2020 (under Order XXIII Rule 3 of the CPC)

1. This is a joint application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908, by the plaintiffs and defendant Nos. 1 to 3.
2. The plaintiff No.1 & 2 are the partners of plaintiff No.3, and defendant Nos.2 & 3 are the partners of defendant No.1. Plaintiff Nos.1 & 2 and defendant Nos. 2 & 3 have signed a compromise deed dated 11.02.2020, a copy thereof is annexed to the application. The terms of settlement are contained in clauses 1 to 6 of the compromise deed.
3. The application has been signed by all the four signatories and is supported by their affidavits. It is also signed by the counsel for both sides. It is stated therein that the plaintiffs have given up their claim against defendant No.4.
4. It is stated in the application that defendant Nos. 2 & 3 are running their business in the name of defendant No.1-firm. Plaintiff Nos.1 & 2 and defendant Nos. 2 & 3 are also personally present in the Court.

5. In view of the compromise deed, learned counsel for the parties submit that the suit may be decreed in terms of the settlement arrived at between the parties.
6. Having regard to the submissions of learned counsel for the parties and the material on record, there is no impediment to the grant of a decree, as between plaintiffs and defendant Nos. 1 to 3, in terms of the compromise deed dated 11.02.2020 annexed with the application. The suit stands dismissed as withdrawn as against defendant No.4. Decree sheet be prepared accordingly.
7. In view of the fact that the parties have arrived at an amicable settlement of their disputes at a preliminary stage of the proceedings and prior to commencement of trial, the plaintiffs are entitled to refund of 50% of the court fees under Section 16A of the Court Fees Act, 1870. The Registry will issue a certificate to this effect.
8. The suit and all pending application(s) are disposed of in these terms.

PRATEEK JALAN, J

FEBRUARY 26, 2020

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