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

+ **CS(COMM) 512/2018**

GAP (ITM) INC. Plaintiff

Through: Mr. Jithin M. George, Adv.

versus

RAHUL ROHILLA & ORS. Defendants

Through: Mr. Mayank Wadhwa, Adv. for D1 to D5.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.03.2020

On September 23, 2019, the parties were relegated to the mediation process under the aegis of the Delhi High Court Mediation and Conciliation Centre. The Delhi High Court Mediation and Conciliation Centre has filed a settlement agreement dated November 29, 2019 running into 11 pages including Annexure-A (Colly) and Annexure B. Today, my attention has been drawn to Para 13 of the settlement agreement wherein it was agreed that an application under Order XXIII Rule 3 read with Section 151 CPC shall be filed for decreeing the Suit in terms of the settlement agreement.

Learned counsel for the parties state that an application under Order XXIII Rule 3 read with Section 151 CPC has been prepared which is duly supported by the affidavits on behalf of the plaintiff and for and on behalf of defendant nos.1 to 5. They state this application also incorporates the development which has taken place subsequent to the execution of the

settlement agreement. They state that the said application be taken on record and the Suit be decreed in terms of Para 5(i) to 5(xi) of the application filed under Order XXIII Rule 3 read with Section 151 CPC. The said application is taken on record. Registry is directed to number the said application. The Suit is decreed in terms of Para 5(i) to 5(xi) of the application. Decree sheet be drawn accordingly.

In view of the fact that the parties have settled their inter se disputes, primarily before the Mediation Centre, plaintiff shall be entitled to refund of court fees under Section 16 of the Court Fees Act, 1870. The amount shall be released in the name of the counsel for the plaintiff who shall remit the same to the plaintiff in USA after taking all approvals.

Application stands disposed of.

Pending applications, if any, have become infructuous and disposed of as such.

V. KAMESWAR RAO, J

MARCH 04, 2020/jg