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

% ***Date of decision: 17.12.2021***

\+ CS(COMM) 454/2019 & I.As.11576/2019 & 11423/2020

TIMES INTERNET LIMITED ..... Plaintiff

Through Mr.Angad Dayal, Mr.Govind Singh Grewal & Ms.Shiva Vijaya Kumar, Advs.

versus

ALT DIGITAL MEDIA ENTERTAINMENT LTD..... Defendant

Through Ms.Shreya Sircar & Ms.Jyotsna Punshi, Advs.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T ***(oral)***

1. The present suit has been filed by the plaintiff seeking a decree of specific performance in favour of the plaintiff and against the defendant.

2. Vide order dated 20.07.2021, the matter was referred to Delhi High Court Mediation and Conciliation Centre (SAMADHAN) for making an effort to amicably resolve their disputes.

3. This court is informed that the parties have mutually settled their disputes and the terms of the settlement have been incorporated in Settlement Agreement dated 09.12.2021, which is duly signed by both the

sides/parties. The aforesaid Settlement Agreement dated 09.12.2021 has come on record.

4. Learned counsel for the plaintiff submits the terms of settlement are incorporated in the aforesaid Settlement Agreement dated 09.12.2021 and the present suit be disposed of.

5. Learned counsel appearing on behalf of defendant submits that the defendant undertakes to abide by the terms of aforesaid Settlement Agreement dated 09.12.2021.

6. Accordingly, the present suit is disposed of in terms of Settlement agreement dated 09.12.2021.

7. Needless to say, parties shall remain bound by the terms of the Settlement Agreement dated 09.12.2021.

8. At this stage, learned counsel for the plaintiff prays for refund of entire court fee.

9. On the aspect of refund of court fees, relying upon decision of Hon'ble Supreme Court in ***Afcons Infrastructure Limited v. Cherian Varkey Construction Company Private Limited: (2010) 8 SCC 24***, a Division Bench of this Court in ***Nutan Batra Vs. M/s. Buniyaad Associates***: ***2018 SCC OnLine Del 12916*** had allowed an appeal against the order of

refusal of refund of entire court fee in a suit. Further, a Coordinate Bench of this Court in ***Munish Kalra Vs. Kiran Madan and Others: 2019 SCC OnLine Del 8021*** taking into account the fact that the dispute stands amicably settled between the parties, had relied upon decisions in ***Afcons Infrastructure Limited (Supra)*** and ***Nutan Batra (Supra)*** and directed refund of the entire court fees.

10. In view of aforesaid decisions, this Court finds that the plaintiff is entitled to refund of entire court fees. Registry is directed to issue necessary certificate/ authorization in favour of the plaintiff to seek refund before the appropriate authorities.

11. In view of above, present suit and pending applications are accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 17, 2021
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