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

% *Date of decision: 04.10.2021*

+ **CS(COMM) 867/2016**

G.D. GOENKA PVT LTD & ANR. Plaintiffs

Through Mr. Rajat Aneja and Ms. Chandrika
Gupta, Advs.

versus

M/S GIRIRAJ EDUCATIONAL & WELFARE
TRUST & ANOTHER Defendants

Through Mr. Pawan Kumar and Mr. Ravi
Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

I.A. No.12916/2021 (u/O XXIII Rule 3 CPC)

1. The present application has been jointly filed by both the sides praying for issuance of decree in terms of Settlement Agreement dated 20.09.2021 reached between the parties and for refund of Court fees.

2. The present suit has been filed by the plaintiffs and to pass a decree a of permanent injunction in favour of plaintiffs and against the defendants, their authorised representatives, office-bearers, trustees, agents, servants, attorneys, nominees, executors, administrators, etc. thereby restraining them

from, in any manner, using the name/trade mark 'G.D. Goenka', and to further restrain the defendants from using its logos, signs, symbols, moto, etc. in terms of Clause 5.2 of the Memorandum of Understanding dated 06.09.2010 in any manner whatsoever as well as to pass a decree in the sum of Rs.4,09,55,000/- along with interest @ 18 % per annum, both pendente lite and future against the defendants until realization along with costs of the suit to plaintiffs.

3. During pendency of the present suit, vide order dated 07.09.2021, the matter was referred to Delhi High Court Mediation and Conciliation Centre for the parties to explore settlement of disputes.

4. Today, learned counsel appearing from both the sides submit that the subject matter of this suit has been amicably resolved through mediation and parties have finally resolved their disputes in terms of Settlement-Agreement dated 20.09.2021.

5. Learned counsel for the plaintiffs submits that the present suit be decreed in terms mentioned in the aforesaid Settlement-Agreement dated 20.09.2021. Learned counsel also submits that since the subject matter of the suit amicably stands resolved through mediation, therefore, in terms of Section 16 of the Court Fees Act, the entire court fees be refunded to the

plaintiffs.

6. This Court has gone through the Mediation report dated 20.09.2021 placed on record and find it to be valid and lawful. The present suit is accordingly decreed in terms mentioned in Settlement-Agreement dated 20.09.2021, which shall form part of the decree. So far as prayer for refund of entire Court fee is concerned, this Court finds that the plaintiffs' evidence in this case has already commenced, therefore, plaintiffs shall be entitled to 50% of the Court fees.

7. Registry is directed to issue necessary certificate/ authorization in favour of the plaintiffs to seek refund of 50% of Court fees before the appropriate authorities.

8. With aforesaid directions, the present suit stands decreed accordingly.

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9. In view of orders passed in IA No. 12916/2021 (u/O XXIII R 3 CPC), the present suit is decreed in terms of the Settlement Agreement dated 20.09.2021 reached through Delhi High Court Mediation and Conciliation Centre between the parties. Decree sheet be accordingly drawn.

10. The plaintiffs are also entitled to refund of 50% court fees in terms of orders passed in IA No. 12916/2021.

11. Pending application, if any, stands disposed of as infructuous.

(SURESH KUMAR KAIT)
JUDGE

OCTOBER 04, 2021
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