

OD-1

ORDER SHEET

CS/39/2011

IA NO: GA/2/2011(Old No:GA/972/2011)

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

DR. AMRIT NARAIN ACHARI
VS
SANAT CHOUDHURI

BEFORE:

The Hon'ble JUSTICE RABINDRANATH SAMANTA

Date : 16th June, 2022

Appearance:

Ms. Amrita Pandey, Adv.

Ms. Anamika Pandey, Adv.

Mr. Ghanshyam Pandey, Adv.

Ms. Sneha Singh, Adv.

Ms. Shikha Kumari, Adv.

...for the plaintiff

Mr. Sudhakar Prasad, Adv.

...for the defendant

The Court: Learned lawyer appearing for the plaintiff submits that as the terms of settlement suggest, the plaintiff be permitted to withdraw the suit.

I have heard learned lawyer appearing for the defendant.

It appears that by order dated 28th February, 2022 passed in APD No. 52 of 2018 with CS No.309 of 2013, a Division Bench of this Court disposed of the aforesaid proceeding in terms of the settlement arrived at between the parties. In terms of the settlement, the suit being CS No. 309 of 2013 has been decreed.

Perusal of the terms and conditions of the settlement shows that the plaintiff of the suit namely Dr. Amrit Narain Achari will withdraw the instant suit within a period as specified in the settlement.

In view of the above, I think that the plaintiff may be permitted to withdraw the instant suit.

Accordingly, the plaintiff is permitted to withdraw the suit.

Thus, the suit stands disposed of.

No order as to costs.

All connected applications stand disposed of accordingly.

As the matter between the parties has been disposed of through mediation, the Court Fees filed by the plaintiff be refunded to the plaintiff in terms of the decision in the case of Afcons Infrastructure Ltd. Vs. Cherian Varkey Constructions Co. Pvt. Ltd. reported in 2010 (8) SCC 24.

(RABINDRANATH SAMANTA, J.)