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

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Date of decision: 18.07.2022

+ **RFA(OS) 3/2022 & CM APPL. 4542/2022**

MAUNICKA MAKKAR & ANR.

..... Appellants

Through: Mr.Vikrant N. Goyal with
Mr.Saurabh K., Mr.Shikar Sardana,
Mr.Mayank & Mr.Ajay Singh,
Advocates.

versus

MADALSA SOOD

..... Respondent

Through: Mr.Rajat Aneja & Ms.Chandrika
Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

CM APPL. 31352/2022

1. Present application has been jointly filed by the appellants and the respondent under Order XXIII Rule 3 read with Section 151 CPC for recording of the compromise arrived at between the parties.

2. Vide order dated 22.03.2022, the matter was referred to Delhi High Court Mediation and Conciliation Centre for making an effort to amicably



resolve their disputes.

3. Today, learned counsel for the parties jointly submit that parties inter-se has already settled their disputes before Delhi High Court Mediation & Conciliation Centre (SAMADHAN) vide Settlement Agreement dated 09.05.2022. Settlement Agreement is taken on record.

4. In view of above, application is allowed and disposed of.

RFA(OS) 3/2022 & CM APPL. 4542/2022

5. In view of order passed in CM APPL. 31352/2022, present appeal is disposed of in terms of Settlement Agreement dated 09.05.2022.

6. Needless to say, parties shall be bound by the terms of aforesaid Settlement Agreement.

7. This court has been informed that the matter has been settled prior the stage of framing of issues. However, eviction order was passed during the pendency of the suit.

8. At this stage, learned counsel for the parties pray for refund of entire Court fee deposited by the appellant in the present appeal and respondents in CS(OS) 93/2021.

9. Keeping in view of the aforesaid facts, we find that the matter has been settled at the prior stage of the framing of issues and the fact that the plaintiff/ respondent herein is 84 years old, widow, we hereby direct the



Registry to refund the entire court fee in favour of the plaintiff/respondent deposited by her in CS(OS) 93/2021. Registry is further directed to refund court fee in favour of the appellants herein deposited by them in the present appeal.

10. Registry is also directed to issue necessary certificates/ authorization in favour of the plaintiff/respondent of CS(OS) 93/2021 and appellant to seek refund before the appropriate authorities.

11. In view of above, present appeal and pending application are accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

JULY 18, 2022/ab