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

% ***Date of decision: 02nd November, 2023***

+ **CS(OS) 2249/2008**

SH. NARENDER JAIN Plaintiff

Through: Mr. Jai Sahai Endlaw & Mr.
Ashutosh Rana, Advocates.

versus

SH. CHANDER MOHAN BAJAJ & ANR. Defendants

Through: Mr. Vivek Srivastava & Mr. Gaurav
Kohli, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

I.A. 21745/2023 (u/O XXIII Rule 3 of CPC, 1908)

1. Mr. Harsh Khanna, learned counsel for the defendants, seeks discharge from the present case as the defendants have engaged a new counsel and the same is confirmed by the parties who are present in the Court.
2. The fresh *vakalatnama* of the newly engaged counsel by the defendants along with application has been filed on record.
3. Accordingly, Mr. Harsh Khanna, Advocate is hereby discharged from the present case.
4. The present Application under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 (*hereinafter referred to as "CPC, 1908"*) has been jointly filed on behalf of the parties seeking to record the



terms of the Settlement arrived at between the parties and dispose of the present Suit in view of the said Settlement as also refund of the court fee paid by the plaintiff along with plaint.

5. The parties are present in Court who reaffirm the terms of the Settlement which are stated to have been arrived at voluntarily without coercion and pressure.

6. It is agreed that an amount of Rs. 50,00,000/- (Rupees Fifty Lakhs Only) deposited by the plaintiff along with interest as well as Rs. 20,00,000/- (Rupees Twenty Lakhs Only) deposited by the defendants shall be released in favour of the plaintiff along with interest accrued thereon.

7. In view of the aforesaid Settlement, the court fee to the plaintiff in terms of Section 16 of CPC, 1908.

8. The Agreement to Sell dated 14.03.2008 in respect of the Property No. 58, Kiran Vihar, Delhi-110092 is hereby cancelled.

9. Accordingly, in view of the Settlement, the present Suit is hereby disposed of.

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10. In view of the Order passed in I.A. 21745/2023, the present Suit is disposed of along with pending application. The next date of hearing i.e., 19.01.2024 is hereby cancelled.

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 02, 2023
S.Sharma