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

+ **CS(OS) 33/2024**

SANDEEP SINGH & ANR.

.....Plaintiffs

Through: Mr. Manoj Gorkela, Mr. Bishwendra
N. Singh, Mr Divyansh Bist and Ms
Sunidhi Sah, Advocates.

versus

SHASHI SEHDEVA & ORS.

.....Defendants

Through: Mr. Sunil Kumar Sharma, Advocate

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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10.12.2024

I.A. 47912/2024

1. The present application under Order XXIII Rule 1 of the Code of Civil Procedure, 1908 (hereafter '*CPC*') has been filed jointly on behalf of the parties, seeking withdrawal of the above-captioned suit, being CS(OS) 33/2024.
2. On 23.10.2024, the Predecessor Bench of this Court had referred the parties to the Delhi High Court Mediation and Conciliation Centre (hereafter '*Mediation Centre*') at the request of the learned counsel for the parties.
3. Today, it is submitted by the learned counsel appearing for the parties that the matter has been amicably settled before the Mediation Centre *vide* Settlement Agreement dated 09.12.2024. The terms of the said Settlement Agreement are set out below:



“1. Both the Parties have already settled all their disputes and differences among themselves and now there is no dispute regarding the subject matter of the present suit and the contempt petition no. CCP(O) 94/2024. They further undertake to withdraw the present suit and contempt application.

2. The Hon'ble Court may consider refund of the court fees to the First Party in terms of the Section 16 of the Court Fees Act 1870 read with Section 89 of Civil Procedure Code, 1908.

3. The Parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator.

4. The Parties undertake to present themselves before the Hon'ble Court during the court hearing for confirming the terms and conditions of the settlement.

5. The Parties undertake that they are bound by this Settlement Agreement and shall not dispute the same hereinafter in future”

4. In view of the above, by way of present application, the learned counsel appearing on behalf of the plaintiffs seeks permission to withdraw the present suit.

5. It is settled law that as per the provisions of Order XXIII Rule 1(1) of CPC, the plaintiff has an absolute right to withdraw from a suit filed before a Court of law. Further, the plaintiffs herein have not sought any liberty for filing for the suit afresh, under Order XXIII Rule 1(3) of CPC. Thus, there is no impediment in allowing the present application.

6. Accordingly, the present application stands allowed.

CS(OS) 33/2024

7. In view of the order passed in I.A. 47912/2024, the present suit is dismissed as withdrawn.

8. All pending applications, including CCP(O) 94/2024, are also disposed of.



9. Since the matter has been settled before the Mediation Centre upon being referred by the Court, the plaintiffs shall be entitled to refund of full Court Fees deposited by them, as per Section 16 of the Court Fees Act, 1870 [Ref: *Nutun Batra v. Buniyaad Associates: (2018) 255 DLT 696*].
10. A copy of this order be given *dasti* under the signature of Court Master, to the learned counsel appearing on behalf of the parties.
11. The order be uploaded on the website of this Court forthwith.

SWARANA KANTA SHARMA, J

DECEMBER 10, 2024/at