



\$~26

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

+ **CS(COMM) 37/2022**

TAKING INDUSTRIAL COMPANY LIMITEDPlaintiff

Through: Mr. Abhijit Mishra, Advocate
(through VC)

versus

NAVYUG SALES CORPORATIONDefendant

Through: Ms. Vidhi Goel, Advocate (through
VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

%

08.11.2024

CS(COMM) 37/2022 and I.A. 44490/2024 (under the aegis of Section 89 read with Order XXIII Rules 1 and 3 CPC for withdrawal of the suit)

1. This is an application filed by the plaintiff under Order XXIII Rules 1 and 3 of the Code of Civil Procedure, 1908 ('CPC') seeking withdrawal of the suit.
2. Learned counsel for the plaintiff states that the suit is sought to be withdrawn in view of the settlement agreement dated 21.08.2024 arrived at between the parties.
3. He states that as per the terms of the settlement, the plaintiff has undertaken to unconditionally withdraw the present the suit.
4. He states that reference to Order XXIII Rule 3 of CPC made in the captioned application is inadvertent and may be permitted to be deemed as withdrawn.



5. In view of the submissions made on behalf the plaintiff and prayers the captioned application is accordingly allowed and the suit is hereby dismissed without reserving any liberty.

6. All pending applications shall stand disposed of.

7. All further dates of hearing in the suit are hereby cancelled.

I.A. 44491/2024 (under Section 29 CPC read with Section 16A of the Court Fee Act, 1870 for refund of the Court Fee citing settlement of the suit)

8. This is an application filed by the plaintiff seeking refund of the Court fee in view of the fact that the suit is sought to be withdrawn in pursuance to the settlement agreement.

9. For the reasons stated in the application, the captioned application stands allowed.

10. The Registry is directed to refund the Court fee as per Section 16-A of the Court Fees Act, 1870 in accordance with the law.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 8, 2024/msh/ms

Click here to check corrigendum, if any