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

+ **CS(OS) 237/2022**

SUDHIR KUMAR JAIN

.....Plaintiff

Through: Mr. Mayank Sapra, Mr. Adhish
Rajvanshi and Ms. Lalima Das,
Advocates

versus

SHISHIR KUMAR JAIN & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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24.12.2024

CS(OS) 237/2022 & I.A. 49915/2024

1. I.A. 49915/2024 is an application filed by the parties under Order XXIII Rule 3 Code of Civil Procedure, 1908 ('CPC') seeking permission for withdrawal of the suit and for placing on record the Settlement Agreement dated 06.12.2024.
2. The application is duly supported with the affidavit of the plaintiff, defendant nos. 1, 2 and 4. It is stated that defendant nos. 3 and 5 have authorised defendant no. 4 to depose on their behalf and the affidavit of defendant no. 4 is, thus, on behalf of defendant nos. 3 and 5 as well.
3. The plaintiff, defendant nos. 1, 2 and 4 have joined the proceedings through video conferencing link and are identified by the counsel for the parties.
4. The Settlement Agreement dated 06.12.2024 has been annexed with



this application. The parties confirm due execution of the Settlement Agreement and the present application.

5. The parties state that they have received independent advice from their respective advocates and they clearly understand and acknowledge the true meaning and effect of this Settlement Agreement.

6. In view of the statements of the parties and their counsels, the terms of the Settlement are accepted and taken on record and the same shall deem to form part of this order.

7. The parties are directed to abide by the terms of the Settlement Agreement.

8. As the parties have settled their disputes amicably, the registry is directed to return the 100% court fees to the plaintiff, having regard to Section 16 and 16A of the Court Fees Act, 1870, and the judgment of the Supreme Court in **High Court of Judicature at Madras v. M.C. Subramaniam & Ors**¹.

9. The registry is directed to draw up the requisite certificate for refund of the entire court fee, within four (4) weeks from today.

10. I.A. 49915/2024 is disposed of in the aforesaid terms.

11. In view of the Settlement Agreement, this captioned suit as well as the counter claim filed by defendant no. 1 is dismissed as withdrawn with no liberty reserved.

12. All pending applications stand disposed of.

13. All future dates of hearing in the suit and counter claim are hereby cancelled.

¹ (2021) 3 SCC 560



14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 24, 2024/msh/ms/hp
Click here to check corrigendum, if any