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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 314/2021**
BHAVNA BHATIA & ANR.Plaintiffs

Through: Mr Rohit Yadav, Advocate.

versus

UDAY VIRI & ANR.Defendants
Through: Mr Chirag Verma, Advocate for D-1.
Mr Brijesh Yadav and Ms Nikita
Sandeep Yadav, Advocates for D-2.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **14.08.2024**

CS(OS) 314/2021 & I.A. 36430/2024 (by the defendants under Section s 151 CPC)

1. The present application though filed under Section 151 CPC is actually an application under Order XXIII Rule 3 CPC for disposal of the present suit in terms of Settlement Agreement dated 27.05.2024.
2. The present suit has been filed by the plaintiff/tenant claiming damages.
3. It is submitted that the defendant/landlord had also filed a suit for possession by way of ejectment before the learned Additional District Judge, Patiala House Courts being CS No.609/2018. During the pendency of the aforesaid suit, the parties were referred to the Delhi Mediation Centre, Patiala House Courts, New Delhi, where they arrived at a settlement, terms



whereof were reduced in writing in the form of Settlement Agreement dated 27.05.2024, which is annexed as document A-2 to the present application.

4. A perusal of said settlement shows that it has been agreed to extend the lease of the plaintiff upto 15.11.2027 on the following terms:-

- a) Rs 2,00,000/- per Month (Inclusive of IDS as applicable) from date of this settlement to 31st October 2026; and
- b) Rs 2,60,000/- per month (Inclusive of TDS as applicable) (From 1st November 2026 to 15th November 2027).

5. In the backdrop of aforesaid settlement, a prayer is made to dispose of the present suit in terms of the settlement.

6. I have perused the settlement which has been arrived at between the parties. The settlement has been signed by the parties, as well as, their respective counsels.

7. I am of the view that the settlement is lawful and there is no impediment in disposing of the suit in terms of the said settlement. The parties shall remain bound by the said settlement.

8. Accordingly, the present suit stands disposed of in terms of the settlement dated 27.05.2014 which shall form part of the decree.

9. Learned counsel for the plaintiff submits that since the matter has been settled through the intervention of Delhi Mediation Centre, Patiala House Courts, New Delhi, therefore, the plaintiff is entitled to refund of the entire court fee in terms of Section 16 of the Court Fees Act, 1870.

10. Having regard to the submission of the learned counsel and considering the fact that the matter has been settled with the intervention of Delhi Mediation Centre, Patiala House Courts, New Delhi, the Registry is



directed to issue a certificate to the plaintiff for refund of full court fee affixed on the plaint.

11. The suit along with I.A. No.36430/2024, is disposed of. All the pending applications are also disposed of.

12. The date already fixed as 02.09.2024 stands cancelled.

VIKAS MAHAJAN, J

AUGUST 14, 2024
MK