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

+ **CS(COMM) 1381/2016**

SUNIL MITTAL & ANR

.....Plaintiffs

Through: Ms. Apurva Bhutani, Mr. Naqeeb
Nawab, Mr. Ashutosh Ranga, Ms. Sejal
Tayal and Ms. Neeharika Chauhan,
Adv.

versus

M/S DARZI ON CALL

.....Defendant

Through: Mr. Deepankar Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

10.07.2024

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I.A. 32842/2024 (u/Order XXIII Rule 3 r/w Section 151 of the Code of Civil Procedure, 1908)

1. This is a joint application on behalf of the plaintiffs and the defendant seeking a consent decree based on the terms of the settlement as specified in paragraph nos.4.1 to 4.6 of the present application.
2. The afore-noted application is duly supported by affidavits of the authorized representatives of the parties. The counsels for the respective parties confirm the said terms of settlement and identify the signatures of their respective clients and pray that the suit be decreed in terms of the settlement, as recorded in paragraph nos.4.1 to 4.6 of the instant application.
3. This Court has perused the terms of the settlement as recorded in paragraph nos.4.1 to 4.6 of the instant application and finds the same to be



lawful. The parties shall remain bound by the terms and conditions of the settlement.

4. The present application is thus allowed and disposed of.

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5. The present suit is decreed in terms of the settlement as recorded in paragraph nos.4.1 to 4.6 of I.A. 32842/2024. I.A. 32842/2024 shall form a part of the decree.

6. Though the learned counsels appearing for the parties pray that since the disputes between the parties have been amicably settled, therefore the court fees paid by the plaintiffs on the plaint and the court fees paid by the defendant on the counter-claim be refunded in terms of Section 16 of the Court Fees Act, 1870. However, considering that the present suit was instituted by the plaintiffs way back in the year 2016 and is pending adjudication before this Court for the past almost eight years, much time has elapsed from then and now. As such, in the opinion of this Court, there is no occasion for this Court to grant refund of the court fees.

7. Decree sheet be drawn up. The parties to bear their own costs.

SAURABH BANERJEE, J

JULY 10, 2024/rr