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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1179/2018**
S.A.R.E. PUBLIC COMPANY LIMITED THROUGH ITS
RECEIVER MR. AUGOUSTINOS PAPATHOMAS

..... Plaintiff

Through: Ms. Pooja M. Saigal and Mr. Nikhil Sabri, Advocates.

versus

AVON INFRACON PVT. LTD. & ORS. Defendants

Through: Mr. Abhimanyu Chopra and Mr. Aman Chaudhary, Advs. for D-16 & 21.

Mr. Nabik Syam and Mr. Tanmay Arora, Advs. for D-17 and 22.

Mr. Vijay Nain and Mr. Manoranjan Sharma, Advs. for D-20.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

08.01.2024

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I.A. 25937/2023 (ORDER XXIII RULE-3)

1. Joint application filed on behalf of plaintiff and defendants no. 16, 17, 21 & 22 under Order XXIII Rule 3 CPC.
2. It is submitted in the application that the matter has been amicably settled between plaintiff and defendants no. 16, 17, 21 & 22 in terms of the settlement agreement dated 12.12.2023. It is further submitted on behalf of the counsel for the plaintiff that in view of this settlement, the suit viz-a-viz the other defendants has become infructuous. Therefore, the plaintiff does not want to pursue his case against all other defendants and viz-a-viz defendants no. 16, 17, 21 & 22, the suit be disposed of in terms of the



settlement agreement. Further, the suit against remaining defendants be dismissed as infructuous.

3. Learned counsel appearing on behalf of defendants no. 16, 17, 21 & 22 endorses the settlement agreement. The parties agree to abide by the terms of the settlement.

4. In view of the settlement, the application is allowed and the suit of the plaintiff viz-a-viz defendants no. 16, 17, 21 & 22 is disposed of in terms of the settlement agreement, which may be read as part of the final order.

5. The suit of the plaintiff against all other defendants is dismissed as infructuous.

I.A. 25996/2023 (FOR WITHDRAWAL OF CONTEMPT PET.)

6. Application filed on behalf of the petitioner for withdrawal of the contempt petition.

7. It is submitted that in view of the settlement, the plaintiff does not want to pursue the contempt petition.

8. The same is permitted to be withdrawn and accordingly disposed of.

9. Learned counsel for the plaintiff submits that because the parties arrived at a settlement and the issues have yet not been framed, the court fee may be directed to be refunded.

10. Considering that a settlement is only with four defendants, 50% of the court fee is permitted to be refunded to the plaintiff.

11. Next date of hearing i.e. 19.01.2024 stands cancelled.

NEENA BANSAL KRISHNA, J

JANUARY 8, 2024/akc