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

+ CS(COMM) 332/2022, IA No.14356/2023, IA No.16134/2022, IA
No.14935/2022 IA No.7907/2022 IA No.7908/2022 & IA
No.7910/2022

FAMILY HEALTH CARE HOSPITAL PVT. LTD. & ANR.

.....Plaintiffs

Through: Mr. Siddharth Arora, Ms. Jasleen
Kaur, Adv., Ms. Vibha Singh
Kanwar, Advocates
Mr. Ankit Verma, Adv. with AR of
Plaintiffs thru VC

versus

CLEARMEDI HEALTHCARE PVT. LTD. & ANR.Defendants

Through:

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+ CS(COMM) 77/2023 IA No. 2747/2023, IA No. 2748/2023, IA No.
2749/2023, IA No. 2750/2023, IA No. 5972/2023, IA No. 8226/2023,
IA No. 8227/2023,

FAMILY HEALTH CARE HOSPITAL PVT. LTD. & ANR.

.....Plaintiffs

Through: Mr. Siddharth Arora, Ms. Jasleen
Kaur, Adv., Ms. Vibha Singh
Kanwar, Advocates
Mr. Ankit Verma, Adv. with AR of
Plaintiffs thru VC

versus

SHANTI MUKAND HOSPITAL & ANR.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL



ORDER

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18.02.2025

I.A. 4322/2025 & I.A. 4321/2025 (under Order XXIII Rule 1 CPC)

1. These applications have been filed under Order XXIII Rule 1 of Code of Civil Procedure, 1908 ('**CPC**'), seeking withdrawal of aforementioned suits, on the basis of settlement agreement dated 31st January 2025, arrived at between the parties with the facilitation of *Ld. Mediator, Justice G. S. Sistani (Retd.)*, who was appointed by this Court by order dated 28th March 2023, passed in *W.P. (Crl.) No. 489/ 2022*, titled "**Dr. Suresh Kumar & Anr. vs. Govt. of NCT of Delhi & Ors.**".

2. As per the report of *Ld. Mediator*, *inter alia* in *paragraph 8*, it is stated that plaintiffs will withdraw the aforementioned commercial suits within one week.

3. Accordingly, these applications have been moved.

4. In any event, counsel for plaintiffs has also pointed to the '*No Objection*' given by the opposite side for unconditional withdrawal of these suits, as well as for refund of Court Fee, as per *paragraph 3 (n)* of the settlement agreement.

5. Considering the facts and circumstances, the applications are allowed, and both these suits are accordingly dismissed as withdrawn.

6. Dates already fixed in these suits stand cancelled.

I.A. 4323/2025 & I.A. 4320/2025 (for refund of Court Fee)

1. Since the matters have been resolved through mediation, plaintiffs are entitled to a refund of Court Fee.

2. Registry is directed accordingly.

3. Accordingly, both these applications stand disposed of.

4. Order be uploaded on the website of this Court.

CS(COMM) 332/2022 & CS(COMM) 77/2023



1. Accordingly, both these suits are dismissed as withdrawn.
2. Pending applications stand disposed of as infructuous.

ANISH DAYAL, J

FEBRUARY 18, 2025/sm/bp/tk