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

+ **CS(COMM) 394/2025**

BHAGWAN DASS KHANNA JEWELLERSPlaintiff
Through: **Mr. Ishan Harlalka, Adv.**

versus

KISHORE PARMAR AND ANRDefendants
Through: **Mr. Nikhil Warange, Adv. for**
defendants (through VC)

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
28.05.2025

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I.A. 13867/2025-O 23 R 3 of CPC

1. This is a joint application under *Order XXIII Rule 3* of the Code of the Civil Procedure, 1908 (**CPC**) filed on behalf of the plaintiff and the defendants seeking a consent decree based on the terms of the Settlement Agreement dated 19.05.2025 filed along with the present application.
2. The present application is duly supported by affidavits of the authorized representatives of the plaintiff and the defendants.
3. Learned counsels of the parties confirm the terms of the settlement and identify the signatures of their respective clients.
4. This Court has perused the terms of settlement as recorded *inter-se* the plaintiff and the defendants and finds them to be lawful.
5. Accordingly, in view thereof, the present application is allowed and disposed of.



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6. The learned counsel appearing for the plaintiff, in view of the Settlement Agreement dated 19.05.2025 entered *inter-se* the plaintiff and the defendants, prays that since the dispute *inter-se* them have been settled, the present suit be decreed in terms as mentioned in the aforesaid Settlement Agreement dated 19.05.2025 filed alongwith the application bearing no. I.A. 13867/2025.

7. Learned counsel for the plaintiff prays that since the disputes between the parties have been settled amicably, the court fees paid by the plaintiff be refunded in terms of *Section 16* of the Court Fees Act, 1870.

8. This Court is of the view that since the disputes between the parties have been amicably settled and in view of the prayer made by the learned counsel for the plaintiff, refund of 75% of the Court fees paid by the plaintiff is deemed justifiable.

9. Let a Certificate of refund of 75% of the Court fees paid by the plaintiff be prepared by the Registry and handed over to the learned counsel for the plaintiff.

10. Accordingly, the present suit is decreed in terms of the settlement as recorded in the Settlement Agreement dated 19.05.2025 filed alongwith the application bearing no. I.A. 13867/2025.

11. Registry is directed to draw up Decree sheet accordingly.

12. Needless to mention, the Settlement Agreement dated 19.05.2025, shall be appended to the Decree Sheet.

13. Needless to mention that the plaintiff and the defendants shall remain bound by the terms of settlement as recorded in the Settlement Agreement dated 19.05.2025.



14. Accordingly, in view of the above, the present suit, stands decreed and disposed of.

15. The date already fixed stands cancelled.

SAURABH BANERJEE, J

MAY 28, 2025/bh