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

+ **CS(COMM) 1187/2025 & I.As. 27617-20/2025, 28675/2025**

ITC LIMITED & ANR.

.....Plaintiffs

Through: Mr. Arvind K. Nigam, Sr. Advocate
and Ms. Shyel Trehan, Sr. Adv. with
Ms. Suhrita Majumdar, Mr. Debjyoti
Sarkar, Mr. Afzal B. Khan, Mr.
Sharad Besoya, Ms. Vidhi Jain and
Mr. Avnish Aditya, Advocates

versus

BUKHARA INN

.....Defendant

Through: Dr. Farrukh Khan, Mohd. Affan and
Mr. Tanzeela Farheen, Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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28.11.2025

1. This order is passed in continuation of the orders dated 17.11.2025 and 21.11.2025.
2. Learned counsel for the defendant states that the defendant has filed an affidavit dated 24.11.2025 agreeing to have the suit decreed in terms of the prayer clause 73(a) and 73(b) of the plaint; and the other terms and conditions on which the defendant is willing to have the suit decreed are set out in paragraph no. 2 of this affidavit.
3. Learned senior counsel appearing on behalf of the plaintiff states on instructions that plaintiff is satisfied with the undertakings recorded in the affidavit and prays that the suit be decreed in terms of prayer clause 73(a)



and (b) of the plaint as well as on the terms and conditions set out in this affidavit.

4. The affidavit dated 24.11.2025 filed by the defendant is on record, and the Court has perused the terms and conditions set out therein. The plaintiff's e-mail dated 20.11.2025 recording the terms of settlement with the defendant was also handed over by the plaintiff on the last date of hearing.

5. This Court is satisfied that the settlement arrived between the parties in terms of the aforesaid affidavit is lawful and satisfies the requirements of Order XXIII Rule 3 of the Code of Civil Procedure, 1908. Therefore, this Court does not find any impediment in decreeing the captioned suit in terms of the aforesaid affidavit.

6. The statements and undertakings given by the parties are accepted by this Court and the parties are held bound by the same.

7. Consequently, the captioned suit is decreed in terms of prayer clause 73 (a) and (b) of the plaint as well as on the terms and conditions of the affidavit dated 24.11.2025.

8. The Registry of this Court is directed to prepare a decree in terms of this Order, and it is directed that the affidavit dated 24.11.2025 shall form part of the said decree.

9. The remaining reliefs in the suit are dismissed as not pressed.

Refund of Court Fees

10. Learned senior counsel appearing on behalf of the plaintiff prays that since the suit has been decreed at an initial stage even prior to filing of the written statement, the Court may consider granting of partial refund of the court fee.



11. Keeping in view the aforesaid facts, the registry is directed to refund 50% of the Court fees in favour of Plaintiff No. 1 within four (4) weeks, in accordance with law. The said direction has been passed having regard to Sections 16 and 16A of the Court Fees Act, 1870.
12. Pending applications, if any, stand disposed of.
13. Further dates, if any, stand cancelled.
14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 28, 2025/rhc/AM