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

+ **CS(COMM) 824/2023**

GET OUT SYSTEMS PRIVATE LIMITED & ANR. Plaintiffs

Through: **Mr. Cheitanya Madan and Ms. Srishti Banerjee, Advocates.**

versus

MR RAJEEV MALHOTRA & ORS. Defendants

Through: **Mr. Vaibhav Gagar, Ms. Saloni Gupta, Ms. Kokila Kumar, Mr. Dhruv Mehta and Ms. Shefali, Advocates for D-1.
Ms. Surabhi Pande and Ms. R. Ramya, Advocates for D-5.**

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER

% 08.04.2024

I.A. 7948/2024 (on behalf of D-1 seeking urgent directions).

1. On 23rd November, 2023, Mr. Rajeev Virmani, Senior Advocate, was appointed as a Mediator. The fee of the Mediator was fixed anticipating that the mediation would be completed in a short duration. Although the settlement discussions failed, pursuant to the request made by the Plaintiff, certain directions were issued on 18th March, 2024 for accessing the AWS Account no. 761404316429. Post the failure of mediation, in order to carry out the Court's directions, three further meetings have taken place before the Mediator.

2. The next meeting before Mr. Virmani is scheduled for 10th April, 2024. In



this background, Defendant No. 1 has applied for certain further directions to be given to the Mediator in order to secure their interest.

3. Considering the above, at the outset, the Court had queried from the counsels regarding the fee paid to the Mediator, who is rendering his services more as a Local Commissioner than a Mediator, for carrying out the Court's directions issued on the request of parties. The counsels have stated that they will have to take instructions from their client on this issue. Considering this, counsel for parties state that they will request Mr. Virmani to reschedule the meeting fixed for 10th April, 2024. They suggest that hearing be stood over to the next scheduled date of hearing i.e. 16th April, 2024. While this adjournment request is accepted, nonetheless, considering the fact that three meetings have already been held before the Mediator, it is directed that parties shall pay further amount of Rs. 2,00,000/- to the Mediator which shall be borne equally by Plaintiffs and Defendant No. 1.

4. List on 16th April, 2024.

SANJEEV NARULA, J

APRIL 8, 2024

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