

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

+ **CS(OS) 369/2011 & IAs No.2468, 12562-64/2011**

Decided on: 12.01.2015

IN THE MATTER OF

SHIV SHANKAR

..... Plaintiff

Through : Mr.Pankaj Vivek and
Ms.Anupriya Singh, Advocates

versus

RAMBATI

..... Defendant

Through : Ms.Richa Kapoor, Advocate

CORAM

HON'BLE MS.JUSTICE HIMA KOHLI

HIMA KOHLI, J. (ORAL)

IA No.570/2015 (u/O XXIII R-1 CPC for withdrawal of suit)

1. This application has been filed by the plaintiff praying *inter alia* for withdrawal of the present suit.

2. Notice. Learned counsel for the defendant accepts notice and states that she has no objection to the request made by the counsel for the plaintiff.

3. Counsels for the parties jointly state on instructions, that the parties have amicably settled their dispute out of court and therefore, the plaintiff has agreed to withdraw the present suit unconditionally.

4. Learned counsel for the plaintiff further states that as the suit

is at the initial stages and pleadings have yet to be completed, the Registry may be directed to issue a certificate for refund of the court fees to the extent of 50%.

5. In view of the averments made in the application, the same is allowed. The suit is dismissed as withdrawn, along with the pending applications, while leaving the parties to bear their own costs. The Registry is directed to issue a certificate in favour of the plaintiff for seeking refund of 50% the court fees as deposited in the treasury.

6. The date already fixed in the matter, i.e., on 25.2.2015 stands cancelled.

File be consigned to the Record Room.

(HIMA KOHLI)
JUDGE

JANUARY 12, 2015
mk