

\$~58

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

+ CS(OS) 1269/2015 & IAs No. 9526 & 9527/2015

VINOD BALA

..... Plaintiff

Through Mr.S.Chaudhary, Advocate with
plaintiff in person

versus

PRASHANT KHER

..... Defendant

Through Mr.Nirmal Goenka, Advocate
with defendant in person

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

%

01.10.2015

IA No.20873/2015(u/O XXIII R 1(1) CPC) for withdrawal of suit

1. The present application has been filed by the plaintiff praying *inter alia* for permission to withdraw the present suit.
2. The plaintiff along with her counsel is present.
3. The court has interacted with the plaintiff who states that at the time of instituting the present suit, there were some minor differences between her and her son, the defendant and she was provoked by her son-in-law, Mr. Naveen Setia, to institute the present suit. Thereafter, both the plaintiff and her son, have reconciled their disputes and now she does not wish to pursue the present suit any further. The court is also informed by the counsel for the plaintiff that

at the incitement of her son-in-law, both her daughters have filed a suit for partition against her and her son, registered as CS(OS) No.1026/2015 which is pending adjudication in this court.

4. In view of the submission made by the plaintiff, the present application is allowed and the suit is disposed of, along with pending applications, while leaving the parties to bear their own expenses.

5. At this stage, learned counsel for the plaintiff states that in view of the fact that the parties have arrived at an out of Court amicable settlement prior to the stage of framing of issues, the plaintiff is entitled to claim refund of 50% of the court fees in terms of Section 16-A of the Court Fees Act.

6. In view of the aforesaid submission made by the counsel for the plaintiff, the Registry is directed to issue a certificate in favour of the plaintiff for refund of 50% of the court fees, as per law.

File be consigned to the record room.

The date of 8.3.2016 stands cancelled.

HIMA KOHLI, J

OCTOBER 01, 2015
mk/ap