

\$~6

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

+ **CS(OS) 1622/2013**

UJJWAL SARIN

..... Plaintiff

Through: Mr. Puneet Taneja, Adv. with
Ms. Shaheen, Adv. and plaintiff in
person

versus

BALDEV KISHAN

(SINCE DECEASED THROUGH: LR)

..... Defendant

Through: Mr. Ajay Goswami, Adv. with
Mr. Diwakar Singh, Adv. with D-1 to
D-3 in person.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

19.04.2016

IA 4105/2016

1. The suit was transferred to the concerned Court vide order dated January 21, 2016, in view of the notification dated November 24, 2015 to be listed before the said Court on May 3, 2016. As the parties have settled their disputes, which is the subject-matter of the suit, I deem it appropriate to consider the application.
2. This is a joint application filed by the parties under Order XXIII Rule 3 read with Section 151 CPC. The application is signed by the plaintiff and defendants who are present in person in Court. Learned counsel for the parties state, that the application be allowed, keeping in view the averments made in para 3 and 5 of this application and nothing more. It is their submission that the averments of para 5 are relevant to the extent that the defendants have agreed to vacate the entire portion of the suit property

occupied by them on or before April 30, 2016.

3. The defendants, who are present in person state, they would vacate the entire portion of the suit property occupied by them on or before April 30, 2016. Their undertaking is taken on record.

4. The settlement between the parties in terms of paras 3 and 5, wherein, in para 5, the defendants have undertaken to vacate the entire portion of the suit property occupied by them on or before April 30, 2016 is taken on record. The suit is disposed of.

5. In para 6 the plaintiff has also stated as under:-

“That since the suit has been amicably, compromised and the matter is yet to go for trial it is desirable that the court fee of Rs. 47,884/ including the enhanced court fees of Rs. 38,200/-be directed to be refunded to the plaintiff under Section 35 of the Court Fees Act.”

6. A perusal of the averments made in para 6, it is noted that the plaintiff is seeking refund of enhanced court fee as well. The Registry to give a report in so far as the enhanced court fee said to have been paid by the plaintiff within 15 days from today.

7. Renotify the application with regard to the refund of Court fee on 05th May, 2016.

V. KAMESWAR RAO, J

APRIL 19, 2016/radhika