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

+ CS(COMM) 746/2016 & IAs No.7552/2016 (u/O 39 R-1&2 CPC),
7554/2016 (u/S 149 CPC) & 10479/2016 (u/O 23 R-1 CPC)

RAGHUVeer METAL INDUSTRIES LTD Plaintiff
Through: Dr. Harsh V. Surana, Mr. D. Mathur,
Mr. Bhanu Manu adn Mr. Abhishek
Chaudhary, Advs.

Versus

KAMDHENU LIMITED Defendant
Through: Mr. Ajay Amitabh Suman, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **08.09.2016**

1. This order is in continuation of the earlier orders.
2. The counsel for the plaintiff states that the court fees has been deposited.
3. The Registry has reported that the court fees is deficient by Rs.739/-.
4. The plaintiff has also filed IA No.10479/2016 for withdrawal of the suit.
5. The suit is dismissed as withdrawn with no order as to costs.
6. The counsel for the plaintiff invokes Section 16 of the Court Fees Act, 1870, as applicable to Delhi.
7. The counsel for the defendant objects, citing the conduct of the plaintiff as evident from the order sheet.

8. Though there is merit in the contention of the counsel for the defendant but the plaintiff having now paid the court fees, it is deemed appropriate to, in accordance with law, permit refund to the plaintiff of 50% of the court fees paid less Rs.739/-.

9. Accordingly, the Registry to issue a certificate entitling the plaintiff to obtain refund of 50% of the court fees paid less Rs.739/- and to hand over the same to the counsel for the plaintiff.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 08, 2016

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