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

+ **CS(OS) 52/2009**

M/S ARIBA INDIA PVT. LTD. Plaintiff

Through: Mr. Shivaji Shukla, Advocate with
Mr. Shekhar Kumar, Advocate.

versus

M/S. JSL LTD. Defendant

Through: Ms. Anchal Mullick, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **01.04.2016**

1. Counsel for the plaintiff states that the subject matter of the suit has been settled and therefore he has instructions to withdraw the suit.

2. There is no case made out for refund of 50% of the court fee inasmuch as Section 16-A of the Court-Fees Act, 1870 (as applicable to Delhi) is a specific provision which applies to Delhi and which will supersede the general provision of Section 16 of the Court-Fees Act. When Section 16-A refers to suit being withdrawn by the compromise prior to recording of evidence, then, it is withdrawal in every form including by settlement in mediation proceedings and once with respect to Delhi there is a

specific provision, it is this specific provision of Section 16-A which will prevail over the general provision of Section 16 of the Court-Fees Act. Plaintiff has already led evidence in the suit by filing affidavit by way of evidence and therefore the case of the plaintiff is not covered for refund of 50% of the court fee as per Section 16-A of the Court-Fees Act.

3. Suit is accordingly allowed to be withdrawn but no refund of court fee can be granted to the plaintiff.

VALMIKI J. MEHTA, J

APRIL 01, 2016
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