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

+ **CS(OS) 104/2018**

MR. SAURABH KASHYAP Plaintiff
Through: Mr. Vikas Jain, Advocate.

versus

MEDICOVER HEALTHCARE PRIVATE LIMITED & ORS
..... Defendant

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **19.04.2018**

I.A. No. 3472/2018 (under Section 149 CPC)

1. Deficit court-fee has been made good.
2. Additional amount of court-fee of Rs.7,100 has been filed in the Court today and the same is taken on record.
3. I.A. accordingly is disposed of as complete court-fee has been filed.

CS(OS) 104/2018 and I.A. Nos. 3471/2018 and 3473/2018

4. Issues of merits of the suit, maintainability of the suit, as also non-maintainability of the suit because of arbitration clause existing in the letter of intent of employment of the plaintiff along with the fact that arbitration proceedings are pending, have been brought to the fore to both the counsel for the plaintiff as also the plaintiff who is present in person.

5. At this stage, counsel for the plaintiff has taken instructions from plaintiff that the suit be allowed to be withdrawn and plaintiff be refunded 50% of the court-fees as per Section 16-A of the Court-fees Act, 1870 (as applicable to Delhi).

6. In view of the aforesaid, suit is allowed to be withdrawn and the plaintiff be refunded 50% of the total court fee paid in view of the provision of Section 16-A of the Court-fees Act. Registry will issue the necessary certificate in this regard in favour of plaintiff. Liberty in accordance with law is granted to the plaintiff to file appropriate proceedings under the Arbitration and Conciliation Act, 1996, to seek removal of the Arbitrator or otherwise question the arbitration proceedings, etc.

VALMIKI J. MEHTA, J

APRIL 19, 2018

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