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

+ **CS(OS) 105/2022**

JAIVEER LOHIA

..... Plaintiff

Through: Mr. Vishal Maan, Mr. Kartik Dabas,
Mr. Jayant Tewathia, Advs.

versus

M/S BALESHWAR PROPERTIES PVT LTD

..... Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

02.04.2024

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I.A. 7313/2024

1. This is an application on behalf of the plaintiff under Section 16 of Court Fees Act, 1870 seeking refund of court fees of Rs. 6,90,000/-.
2. It is stated by Mr. Maan, learned counsel for the plaintiff that the plaintiff before the stage of framing of issues in the present suit, filed an application under Order XXIII Rule 1(3) seeking withdrawal of the suit as per the settlement arrived between the parties herein. On 20.02.2024, this Court was pleased to allow the application and permitted the plaintiff to withdraw the suit as per the settlement. In this view of the matter, the plaintiff is moving the present application seeking refund of court fees of Rs. 6,90,000/- paid by him for the present suit filed by the plaintiff.
3. To support his contention, the learned counsel for the plaintiff relies on the judgment of "***V. Guard Industries Ltd. vs. Ramesh Kumar***" **2022:DHC:536**, wherein in somewhat similar circumstances and relying on



the judgment passed by the Hon'ble Supreme Court in **The High Court of Judicature at Madras rep. by its Registrar General vs. M.C.Subramaniam & Ors., (2021) 3 SCC 560**, this Court directed refund of the entire court fees.

4. Relying on the said judgment, I am inclined to allow the present application.

5. The Registry is directed to issue necessary certificates, authorization in favour of the plaintiff to seek refund of the entire court fees before the appropriate authority.

6. At this juncture, learned counsel for the plaintiff states that the plaintiff out of his own free will and volition, will deposit a sum of Rs. 1 lakh with the Delhi High Court Bar Association on receipt of the certificate and in any case not later than 6 months from today and will file a proof on the court file.

7. In case the proof is not filed, the Registry is directed to place the file before the Court.

JASMEET SINGH, J

APRIL 2, 2024/DM

[Click here to check corrigendum, if any](#)