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

+ **CS(COMM) 98/2021, I.A. 3098/2021, 3100/2021, 1271/2022 & 1281/2022**

UNIMRKT RESEARCH PVT LTDPlaintiff
Through: Mr. Siddharth Dutta and Ms. Neha Singh, Advs.

versus

EMPIRICO RESEARCH PVT LTD & ORS.Defendants
Through: Mrs. Aayushi S. Khazanchi, Mr. Vaibhav Dubey and Mrs. Niyati Kohli, Advs.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
29.11.2024

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1. The learned counsel appearing on behalf of the parties submit that an out of Court settlement has been arrived at between the parties and in terms thereof, the defendant nos.2, 3, 4 & 5 have filed undertakings by way of affidavits before this Court. The said undertakings are taken on record.
2. The learned counsel for the plaintiff submits that the criminal complaint which was filed by the plaintiff against the defendant nos.2 to 5 will not be prosecuted by the plaintiff in view of the settlement arrived at between the parties. The statement is taken on record.
3. He further submits that in view of the undertakings filed by the defendant nos.2, 3, 4 & 5, present suit may be disposed of as settled.
4. In view of the above, the suit is disposed of as settled.



5. At this stage, the learned counsel appearing on behalf of the plaintiff submits that the Court fee affixed on the plaint may be refunded.

6. Having regard to the fact that the suit has been settled out of Court before commencement of trial or any evidence having been recorded, this Court is of the view that the plaintiff is entitled to refund of half the amount of Court fee affixed on the plaint in terms of Section 16A of the Court Fees Act, 1870.

7. The learned counsel for the plaintiff also submits that an issue with regard to the refund of entire Court fee where the parties arrive at out of Court settlement, is pending before the Division Bench of this Court.

8. In view of the above, the Registry is directed to issue a certificate to the plaintiff for the refund of half the amount of Court fee affixed on the plaint.

9. However, the plaintiff is at liberty to file an application for refund of remaining half amount of Court fee in case the Division Bench of this Court decides in favour of refund of the entire Court fee even where the parties arrive at out of Court settlement.

NOVEMBER 29, 2024

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VIKAS MAHAJAN, J