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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 202/2024 & I.A. 30925/2024**
MONICA GOGIAPlaintiff

Through: Mr. Abhimanyu Bhandari, Sr. Adv.
with Mr. Arjun Syal, Mr. Shreyan Das,
Mr. Raghuveer Kapur and Ms.
Mehaak Jaggi, Advs.

versus

M/S RSS ESTATE LLP & ANR.Defendants

Through: Mr. Sunil Dalal, Sr. Adv. with Mr.
Rajiv Singh, Mr. Tarjit Singh, Mr.
Abhiraj Singh, Mr. Ajay Kohli, Mr.
Sandeep Sharma, Ms. Dipika Prasad,
Mr. Nikhil Beniwal, Mr. Navish Bhati,
Ms. Shipra Bali and Mr. Akash Gupta,
Advs. with defendants in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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04.11.2024

I.A. 44041/2024 (under Section 151 of CPC seeking withdrawal of suit by plaintiff)

1. The present application has been filed by the plaintiff seeking withdrawal of the present suit in view of the settlement agreement dated 03.11.2024 arrived at between the parties.
2. The learned senior counsel for the plaintiff submits that during the pendency of the present suit the parties have arrived at settlement, terms whereof have been reduced in writing in the form of settlement agreement dated 03.11.2024.
3. In terms of the said settlement, the defendant has paid an amount of



Rs.1 crore to the plaintiff, the receipt of which is acknowledged by the plaintiff, who is present in Court.

4. Likewise, the factum of settlement is also affirmed by the defendant, who is also present in Court.

5. In view of the aforesaid settlement, the learned senior counsel appearing on behalf of the plaintiff seeks to withdraw the present suit.

6. In view of the above, the suit is dismissed as withdrawn.

7. The parties shall remain bound by the terms of the settlement agreement dated 03.11.2024.

8. All the pending applications also stand disposed of.

9. The dates already fixed i.e. 20.01.2025 before learned Joint Registrar and 27.02.2025 before Court stand cancelled.

CS(OS) 202/2024

10. The learned counsel for the plaintiff prays for the refund of the Court fee.

11. Considering the fact that the parties have arrived at settlement out of Court prior to the recording of evidence, this Court is of the view that the plaintiff is entitled to refund of the half of the Court fee affixed on the plaint, in the terms of the Section 16A of the Court Fees Act, 1870.

12. Accordingly, the Registry is directed to issue a certificate to the plaintiff for the refund of half of the court fee affixed by the plaintiff on the plaint.

13. Since the issue with regard to the refund of the full Court fee when the parties arrived at settlement out of Court, is pending before the Division Bench of this Court, the plaintiff is at liberty to pray for the refund of remaining half of the Court fee in case the Division Bench decides that the



plaintiff is entitled to the refund of entire Court fee in the event the parties arrive at settlement out of Court.

VIKAS MAHAJAN, J

NOVEMBER 4, 2024
N.S. ASWAL