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

+ **RFA(OS)(COMM) 9/2023**

RAJAN GUPTA

..... Appellant

Through: Mr Mandeep Singh Vinaik, Ms
Kanishka Sharma and Ms
Thanglunkim, Advocates

versus

PRADEEP KUMAR GUPTA & ORS.

..... Respondents

Through: Mr Manav Gupta and Ms Samiksha
Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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06.02.2024

[Physical Hearing/Hybrid Hearing (as per request)]

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1. Mr Mandeep Singh Vinaik, Advocate, says that in view of the settlement arrived at between the parties, he has instructions to withdraw the appeal.
2. Mr Manav Gupta, Advocate, who appears on behalf of the respondent says he would have no objection if the request made by the counsel for the appellant is acceded to.
3. It is ordered accordingly.
4. The appeal is dismissed as withdrawn.
5. The date fixed in the matter, i.e., 14.03.2024 shall stand cancelled.

CM 7087/2024 [Application on behalf of the appellant for refund of Court Fee]

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6. It is pointed out that a settlement has been arrived at, with the intercession of Mr Justice Rajiv Sahai Endlaw, former Judge of this Court. It is pointed out by the counsel for the parties that Justice Endlaw was appointed as an observer in a cross-suit [CS (OS) 207/2023] filed by the respondent no 1, i.e., Mr Pradeep Kumar Gupta. Evidently, Justice Endlaw was also given the mandate to mediate between the parties.

6.1 For this purpose, our attention was drawn to order dated 29.05.2023 in CS(OS) 207/2023. In particular, counsel for the applicant/appellant relies upon paragraphs 11 to 13 to underscore his submission that Justice Endlaw was requested to mediate between the disputants.

7. It is in this background that counsel for the applicant/appellant seeks refund of Court fee affixed in the appeal.

7.1 In this regard, Mr Manav Gupta, Advocate, who appears on behalf of respondent, says that he would have no objection if the prayer made in the application is allowed

7.2 It is pointed out though, that in the suit filed by respondent no.1, 50% court fee had been refunded.

8. Having regard to the circumstances which obtain in the matter, and given the time spent in Court, we are inclined to refund 50% of the court fee which is affixed in the appeal. It is ordered accordingly.

9. The application is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 6, 2024/sr

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

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