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

+ **CS(OS) 215/2021**

JAGDISH CHANDER SUNEJA

.....Plaintiff

Through: **Mr Ojas Singh Sachdeva, Advocate.**

versus

SUBHASH CHANDER SUNEJA & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

04.11.2024

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I.A. 44032/2024 (by the plaintiff under Section 16 of the Court Fee Act read with Sections 89 & 151 CPC)

1. Learned counsel or the applicant/plaintiff submits that the present suit has been disposed of by this Court *vide* order dated 18.10.2024.
2. Elaborating further he submits that a settlement was arrived at between the plaintiff and the defendants and pursuant to the said out of Court settlement, the suit was withdrawn by the plaintiff.
3. He submits that since the suit was still at the stage of admission/denial of documents and the issues had not been framed, the plaintiff is entitled to refund of half court fee in terms of Section 16A of the Court Fees Act, 1870.
4. He further submits that the issue with regard to refund of full amount of court fee in the event the settlement has been arrived at between the parties out of court, is pending before the Hon'ble Division Bench of this Court.
5. He submits that liberty may be granted to the plaintiff to approach this



Court for refund of balance 50% of the court fee in the event the Division Bench favourably decides the issue.

6. Considering the fact that the parties have arrived at settlement out of court before any evidence had been recorded, this Court is of the view that the plaintiff is entitled to refund of half amount of the court fee affixed on the plaint. Accordingly, the Registry is directed to issue a certificate to the plaintiff for the refund of 50% of the court fee to the plaintiff.

7. The plaintiff is also granted liberty to approach the Court with a prayer for the refund of balance 50% court fee in case the Division bench of this Court decides that the plaintiff is entitled to refund of full court fee even in cases where the parties arrive at settlement out of court.

8. With the aforesaid directions, the application stands disposed of.

VIKAS MAHAJAN, J

NOVEMBER 4, 2024
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