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

+ **CS(OS) 286/2024**

RAHUL CHAWLA

..... Plaintiff

Through: Ms. Muskan Gupta, *via* video-conferencing.

versus

RITIKA CHAWLA

..... Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

20.05.2024

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I.A. 29861/2024

By way of present application filed under Order XXIII Rule 1 read with Section 151 of the Code of Civil Procedure 1908, the plaintiff seeks leave to withdraw the present suit. In addition, the plaintiff seeks refund of the entire court-fee.

2. In view of the observations of the Supreme Court in *High Court of Judicature at Madras vs. M.C. Subramaniam & Ors.*,¹ followed by this court in *Western Infrabuild Products LLP vs. Western Steel India & Anr.*,² this court is persuaded to accept the plaintiff's prayer; and it is accordingly directed that the *entire* amount of the court-fee paid shall be refunded to the plaintiff.

¹ (2021) 3 SCC 560

² 2022 SCC OnLine Del 26



3. The Registry is directed to draw-up the requisite certificate for refund of the entire court-fee, within 05 weeks from today.
4. The application is disposed-of in the above terms.

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5. In view of the averments contained in I.A. No. 29861/2024, the suit is disposed-of as withdrawn.
6. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 20, 2024
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