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

+ **CS(OS) 377/2023**

VINOD KUMAR AMBAWTA

.....Plaintiff

Through: Mr. Tanmay Yadav, Advocate with
plaintiff in person (through VC)

versus

M/S SIGNALIZE IMPEX PVT. LTD.

.....Defendant

Through: Mr. Gaurav Singh and Mr. Apoorv
Agarwal, Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

10.07.2024

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I.A. 32852/2024

1. This is an application filed by the plaintiff under Order XXIII Rule 3 Code of Civil Procedure, 1908 ('CPC') seeking withdrawal of the suit in pursuance to the settlement agreement dated 22.06.2024 executed between the parties.
2. Learned counsel for the plaintiff states that the said settlement agreement stands implemented between the parties and therefore, the reliefs sought in the suit stand satisfied. He prays that the said settlement agreement be taken on record and the plaintiff be permitted to withdraw the suit. The plaintiff has joined the proceedings through video conferencing confirms the contents of the application and prays for withdrawal.
3. Learned counsel for the defendant as well confirms the aforesaid submissions of the plaintiff and consents to the reliefs.
4. Learned counsel for the plaintiff states that since the matter has been



amicably settled between the parties, whereas the suit is still at the stage of the framing of issues; he prays that the plaintiff may be granted refund of entire Court fees in terms of the judgment of the Supreme Court in the matter of *High Court of Madras vs. M.C. Subramaniam*¹.

5. This Court has heard the submissions of the parties and perused the contents of the application. The application is allowed, taking the settlement agreement dated 22.06.2024 on record and the plaintiff is permitted to withdraw the suit in terms of the settlement.

6. In view of the judgment of the Supreme Court in *High Court of Madras vs. M.C. Subramaniam* (supra), the prayer of the plaintiff seeking refund of Court fees, in view of the settlement agreement is also merited and is hereby allowed. The registry is directed to draw up certificate of refund in the name of the plaintiff i.e., “Mr. Vinod Kumar Ambawata” within four (4) weeks.

7. The suit accordingly stands dismissed as withdrawn. Pending applications, if any, stand disposed of. The next date of hearing stands cancelled.

MANMEET PRITAM SINGH ARORA, J

JULY 10, 2024/msh/sk

¹ (2021) 3 SCC 560.