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

+ **CS(OS) 403/2024**

**SNSD BUILDERS PVT. LTD.**

**.....Plaintiff**

Through: Mr Sunanda Tulsyan, Mr Akhil  
Sachar and Mr Sanjay Bansal,  
Advocates.

versus

**BAL KRISHAN JOHARI AND OTHERS**

**.....Defendants**

Through:

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

**% 12.09.2024**

**CS(OS) 403/2024 and I.A. 39274/2024 (by the plaintiff under Order  
XXIII Rule 1 CPC)**

1. The present suit was filed by the plaintiff seeking recovery of specific performance of oral agreement to sell.
2. Learned counsel for the plaintiff submits that though the summons were issued by this Court but process fee was not filed, therefore, the defendants could not be served in the present suit. She further submits that the disputes between the parties have been amicably settled by way of private agreement without the intervention of the alternate dispute resolution mechanism. She thus prays for withdrawal of the suit.
3. She further submits that pursuant to the direction of this Court *vide* order dated 28.05.2024, the plaintiff had deposited a sum of Rs.3,96,00,000/- in the name of the Registrar General of this Court. She



also prays for refund of the said amount.

4. In view of the above, the application is allowed and the suit is dismissed as withdrawn.

5. The Registry is also directed to release the amount so deposited by the plaintiff pursuant to the order of this Court dated 28.05.2024, along with interest, if any, that has accrued thereon.

**I.A. 39273/2024 (by the plaintiff under Section 16A of the Court Fees Act)**

6. By way of present application, the plaintiff seeks refund of 50% of the Court Fees deposited by the plaintiff along with the suit.

7. The plaintiff has affixed court fees of Rs.3,94,000/- on the plaint. It is not in dispute that the settlement has been arrived at between the plaintiff and the defendants without intervention of an alternate dispute resolution mechanism, therefore, the plaintiff is entitled only to 50% of the court fees in terms of Section 16A of the Court Fees Act, 1870.

8. In view of the above, the Registry is directed to issue a certificate to the plaintiff for refund of 50% of the Court Fee deposited by the plaintiff in terms of 16A of the Court Fees Act, 1870.

**VIKAS MAHAJAN, J**

**SEPTEMBER 12, 2024**  
**MK**