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

+ **RFA(COMM) 78/2022**

ALKA SACHDEVA

.....APPELLANT

Through: Mr. P.K. Rawal and Mr. Tarun
Agarwal, Advs.

versus

NEERAJ GUPTA & ORS.

.....RESPONDENT

Through: Mr. Arun Birbal and Mr. Sanjay
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **28.10.2024**

1. We had taken note of the parties having arrived at a settlement and which was duly accepted and came to be recorded by us in our order dated 11 July 2024 passed on CM(M) 2795/2024.

2. The solitary issue which thereafter survived was the prayer of the appellant for refund of court fees. Although the settlement has taken place outside the ambit of mediation proceedings, we in this regard bear in consideration the observations appearing in a decision of the Court rendered in **AX vs. Google LLC¹**. Dealing with the aforesaid issue, the Court in *AX vs. Google* had held as under:-

“6. In light of the aforesaid order a prayer is made by learned counsel for the plaintiff for refund of the court fee that had been deposited. The Court has taken note of the provisions made in Order XXIII Rule 3 of the Code of Civil Procedure, 1908 [CPC] and which enables the Court to decree a suit upon satisfaction being reached and recorded in light of the action and steps that may be taken by defendants and which may satisfy the claim raised by

¹ CS(OS) 750/2022 decided on 08 February 2023



the plaintiff.

7. Since in the present matter the plaintiff and its claim stands satisfied in light of the steps that have been taken by the defendant, the Court is of the considered opinion that the decree as drawn would clearly fall within the ambit of Order XXIII Rule 3 of the CPC. The plaintiff consequently is held entitled to refund of Court fee.”

3. In view of the aforesaid, we hold that the appellant is entitled to a refund of the court fee.
4. The Registry shall consequently take appropriate steps.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 28, 2024/neha