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

+ **CS(OS) 543/2024 & I.A. 37227/2024 I.A. 37228/2024 I.A.
37229/2024**

LOVELY CHANDA

.....Plaintiff

Through: **Ms. Priya Pathania and Mr. Saharsh
Saxena, Advs.**

versus

RAVINDER NANGIA & ORS.

.....Defendants

Through: **Mr. Nikhil Pillai and Ms. Malvi,
Advs.**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 23.08.2024

I.A. 37227/2024 (under Section 151 of CPC, 1908)

1. This is an application filed by the plaintiff for placing on record the facts evidencing the due compliance of the order dated 15.07.2024.
2. Learned counsel for the plaintiff states that the entire payment has been made over to defendant nos. 1 and 2 (i), (ii) and (iii), as well as, the sale deed with respect to the suit property i.e. property bearing No. C-120, Ground Floor, Defence Colony, New Delhi-110024, admeasuring 325 sq. yards, has been executed and registered on 09.08.2024, in favour of the Plaintiff. She states that since defendant nos. 2 (ii) and (iii) are minors; payment for and on their behalf has been made over to defendant no. 2(i), who is the natural guardian of the said minors. She states that the interest on the outstanding sale consideration also stands paid to the defendants.
3. She states that a copy of the said registered sale deed, once made



available from the office of the concerned sub-registrar will be placed before this Court within one week of its receipt. She, therefore, prays that aforesaid facts are taken on record.

4. Learned counsel for the non-applicant/defendants confirms the aforesaid facts and events.

5. The said facts enumerated in the application are taken on record.

6. Accordingly, the captioned application stands allowed.

I.A. 37228/2024 (under Section 151 of CPC, 1908)

7. This is an application filed by the plaintiff seeking release of the Fixed Deposit Receipt ('FDR') of Rs. 4 crores deposited by the plaintiff on 18.07.2024.

8. She states that in view of the compliance of the order dated 15.07.2024, the said FDR [lying in the custody of the Registry of this Court] be directed to be released to the plaintiff with permission to encash the said FDR.

9. Learned counsel for the defendants have no objection to the prayers in the captioned application.

10. In view of the compliance of the order dated 15.07.2024 and the consent of the defendants, the captioned application is hereby allowed and the Registry is directed to return the FDR of Rs. 4 crores deposited by the plaintiff within one week, after cancelling the endorsement, if any, made on the FDR. It is clarified that the plaintiff shall be at liberty to encash the said FDR.

11. Accordingly, the application stands allowed.



I.A. 37229/2024 (under Section 16 of Court Fees Act, 1870 read with Section 151 of CPC)

12. This is an application filed under Section 16 of the Court Fees Act, 1870 read with Section 151 of CPC, 1908 by the plaintiff seeking refund of the Court fees deposited with the plaint.

13. Learned counsel for the plaintiff states that this suit was first listed on 15.07.2024 and in view of the settlement arrived between the parties on the said date; no summons have been issued in the suit. She states that since the claims arising in the suit stand settled amicably between the parties at the earliest without causing any burden on the Court machinery; she prays that the Court fees deposited be kindly refunded.

14. In view of the facts recorded in the application and Section(s) 16 and 16A of the Court Fees Act, 1870 as well as the judgment of the Supreme Court in *High Court of Judicature at Madras vs. M.C. Subramaniam and Others*¹, this Court is of the considered opinion that the prayer of the plaintiff seeking refund of Court fees is meritorious ought to be allowed.

15. Accordingly, the Registry is directed to refund 100% Court fees in accordance with rules; and issue a certificate of refund in the name of the plaintiff within four weeks.

16. Accordingly, the captioned application stands disposed of.

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17. Learned counsel for the plaintiff states that since the relief sought in the suit stands satisfied, she prays that the said suit be disposed of. She states that the plaintiff has no further claim against the defendant nos. 1 and 2 (i) (ii) (iii).



18. Learned counsel for the plaintiff states that no relief was sought against defendant no. 3 in the suit.
19. Accordingly, the suit is disposed of as satisfied and I.A. 33236/2024 as well stands disposed of.
20. All future dates stand cancelled.

MANMEET PRITAM SINGH ARORA, J

AUGUST 23, 2024/hp/MG

[Click here to check corrigendum, if any](#)

¹ (2021) 3 SCC 560