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

+ **CS(OS) 595/2023**

SHRI SHASHANK KOHLIPlaintiff

Through: Mr. Parmanand, Ms. Ankita and Mr.
Aman, Advs. with plaintiff in person

versus

SMT AMRIT KAURDefendant

Through: Mr. Jaskaran Singh Bhandari, Adv

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **01.04.2025**

I.A. 8480/2025

1. This application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC), has been jointly filed by the plaintiff and defendant, thereby seeking withdrawal of the present suit on basis of an out of Court settlement arrived at between the parties.
2. The terms of the settlement are set out in the application itself.
3. The application records that the plaintiff has received back the earnest money of Rs. 50 lakhs from the defendant; and the Agreement to Sale dated 10.10.2022 stands rescinded between the parties. It is stated that the plaintiff, therefore, is left with no right or interest in the suit property. It is further prayed that the interim order dated 26.09.2023 be vacated. It is stated



that all claims of the plaintiff qua the defendant stand satisfied.

4. The application is duly supported by the affidavits of the parties. The plaintiff is present in Court.
5. The statement of the parties is taken on record.
6. In view of the above, the application is allowed.

CS(OS) 595/2023

7. In light of I.A No. 8480/2025, the present suit is dismissed as withdrawn.
8. All pending applications are disposed of.
9. All future dates stand cancelled.
10. Interim order dated 26.09.2023 stands vacated.
11. In view of the facts recorded in the application being I.A. 8480/2025 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 plaintiff is entitled to refund of Court fees. The suit is at an early stage and the parties have amicably settled their disputes leading to its withdrawal.
12. Accordingly, the Registry is directed to refund 100% Court fees to the plaintiff in accordance with Rules and issue a certificate of refund in the name of the plaintiff within four (4) weeks from today.
13. The digitally signed copy of this order, duly uploaded on the official

¹ (2021) 3 SCC 560



website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

APRIL 1, 2025/msh/MG

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any