



\$~17

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

+ **RFA 809/2023**

M/S VASUDEVA JEWELLERS PVT LTDAppellant

Through: **Mr. Divyakant Lahoti with Mr. Kartik Lahoti, Mr. Adith Menon and Mr. Shubheksha Dwivedi, Advocates.**

versus

KAMLESH RASTOGI

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

18.11.2025

CM APPL. 72297/2025

By way of the present application filed under Order XXIII Rule 3 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellant seeks leave to withdraw the present appeal which has been settled in mediation *vide* Settlement Agreement dated 08.09.2025, a copy of which has been appended with the application.

2. One of the terms of settlement is that the parties will withdraw all the proceedings pending between them respectively. The present appeal is listed at serial No. 10 of the table of pending cases between the parties that are to be withdrawn, as per Clause D of the settlement agreement.
3. In the circumstances, Mr. Divyakant Lahoti, learned counsel for the appellant seeks leave to withdraw the present appeal, submitting only that the parties be bound by the terms of the settlement agreement.



4. Mr. Kashish Rastogi, the son of the respondent and also one of the signatories to the settlement agreement, has joined *via* video-conferencing; and confirms the submissions made by Mr. Lahoti.
5. In view of the above, the application is allowed and stands disposed-of.

RFA 809/2023

6. In view of the above, the appeal is disposed-of as withdrawn, holding the parties bound by the terms of the settlement as comprised in the Settlement Agreement dated 08.09.2025.
7. Pending application CM APPL. No. 50963/2023 also stands disposed-of.

CM APPL. 72298/2025

8. By way of the present application filed under section 151 CPC read with section 16 of the Court Fees Act 1870 read with section 89 CPC, the appellant seeks refund of court fees in view of the settlement arrived at between the parties.
9. In view of the above, the application is allowed.
10. Accordingly, in terms of Section 16 of the Court Fees Act 1870, the Registry is directed to refund the *entire* court fees affixed on the memo of appeal, to the appellant.
11. The Registry is directed to draw-up the requisite certificate in favour of the appellant within 02 weeks.
12. Application stands disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 18, 2025

ds