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

+ **RFA 749/2015 & CM APPL. 77174/2025, CM APPL. 77185/2025**

M/S VASUDEVA JEWELLERS PVT LTD.Appellant

Through: Mr. Divyakant Lahoti, Mr. Kartik
Lahoti and Ms. Shubheksha Dwivedi,
Advocates
Mob: 8130718148
Email: kartik@lahotiadvocates.com

versus

SHRI KAMLESH RASTOGIRespondent

Through: Mr. Dakshita Sharma, Advocate
Mob: 9810117465
Email: varunlegal@gmail.com

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
08.12.2025

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CM APPL. 77174/2025

1. The present application has been filed on behalf of the appellant under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking permission to withdraw the present appeal, i.e., *RFA 749/2015*, in view of the settlement arrived at between the parties *vide* Settlement Agreement dated 08th September, 2025.
2. It is submitted that upon filing of the present appeal, the appellant, in terms of the order dated 02nd November, 2025, had deposited the entire decretal amount of Rs. 9,03,413/-, *vide* a Demand Draft bearing No. 515612, with the Registrar General, Delhi High Court, New Delhi.



3. It is submitted that this Court confirmed the deposit of decretal amount by the appellant *vide* 02nd March, 2016.
4. During the pendency of the present dispute, along with other disputes between the parties, the parties jointly requested for mediation and this Court *vide* order dated 27th August, 2025 in *CM(M) 521/2019*, referred the parties to Delhi High Court Mediation and Conciliation Centre.
5. Subsequently, with the assistance of learned Mediator, a voluntary final and binding settlement dated 08th September, 2025, has been duly executed between the parties, which has been placed on record.
6. It is submitted that during the pendency of the present appeal, the respondent, i.e., Sh. Kamlesh Rastogi has changed his name to “Mr. Kumlesh Kumar Rustogi”. Thus, in terms of the Settlement Agreement dated 08th September, 2025 between the parties, the decretal amount, along with the interest accrued, be released, in the name of “Mr. Kumlesh Kumar Rustogi”.
7. Thus, in view of the settlement between the parties herein, the present application has been filed for withdrawal of the present appeal.
8. Accordingly, in view of the aforesaid submissions, it is directed that the decretal amount, along with interest accrued thereon, deposited by the appellant, be released in the name of the respondent, i.e., Mr. Kumlesh Kumar Rustogi s/o Sh. R.N. Rustogi.
9. Further, considering the submissions made before this Court, the appellant is allowed to withdraw the present appeal.
10. Accordingly, the present appeal, along with the pending applications, is dismissed as withdrawn.



CM APPL. 77185/2025

11. The present application has been filed on behalf of the appellant seeking refund of the Court Fees under Section 16 of the Court Fees Act, 1870, read with Section 89 of the CPC.
12. Considering the fact that the parties have settled their dispute by way of a Settlement Agreement dated 08th September, 2025, entered through the Delhi High Court Mediation and Conciliation Centre, it is directed that full Court Fees be refunded to the appellant.
13. Certificate in this regard, be issued to the appellant by the Registry, within a period of two weeks, from today.
14. With the aforesaid directions, the present application is accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 8, 2025
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