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

+ **CS(COMM) 248/2025**

**M/S TAJ EXPORTS THROUGH ITS PARTNER KULBHUSHAN
SETHI**Plaintiff

Through: Mr. Lokesh Kumar Pathak, Adv.

versus

**JD JEWEL CREATION PRIVATE LIMITED
& ORS.**Defendants

Through: D-2 (through VC)

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER

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18.03.2026

**I.A. 6846/2026 (under Order XXIII Rule 1 read with Section 151 CPC
by plaintiff)**

1. The present application has been filed by the plaintiff seeking withdrawal of the suit in terms of settlement agreement dated 10.12.2025 arrived at between the plaintiff and the defendants. The settlement agreement has been annexed as document 1 to the present application.
2. The defendant no.2 has joined through VC. He submits that he is the Director of the defendant no.1; husband of defendant no.3 and father of defendant no.4. He affirms the factum of settlement agreement dated 10.12.2025. He submits that he has no objection in case the suit is withdrawn by the plaintiff.
3. In view of the above, the suit is dismissed as withdrawn.
4. At this stage, learned counsel appearing on behalf of plaintiff submits



that since the suit is at the initial stage and the parties have arrived at settlement, in terms whereof the suit has been disposed of, therefore, the plaintiff is entitled to refund of Court fee in view of newly substituted Section 16 in the Court Fee Act, 1870 by virtue of Gazette Notification dated 06.03.2026.

5. It is noted that the Government of NCT of Delhi has issued a notification published in the Delhi Gazette dated 06.03.2026 *vide* notification no. F. 14 (105)/LA-2026/ jtsecylaw /359-368 titled ***“The Court Fees (Delhi Amendment) Act, 2026”***, whereby Section 16 of the Court Fees Act, 1870 has been substituted and Section 16A has been omitted. The substituted Section 16, as applicable to the National Capital Territory of Delhi, reads as under:

“Section 16 – Refund of Fee:- Where the parties to a suit or appeal, at any stage of such suit or appeal, settle their dispute amicably, with or without the intervention of the Court and with or without invoking any of the modes of settlement of dispute, referred to in section 89 of the Code of Civil Procedure, 1908 (5 of 1908) and the said suit including Counter-claim, if any, or appeal is disposed of as settled/compromised by the court, the plaintiff/Counter-claimant shall be entitled to a certificate from the Court authorizing him to receive back from the collector/competent officer, the full amount of fee, paid in respect of such plaint/counter claim.”

6. As per Gazette notification dated 06.03.2026, the newly substituted Section 16 has come into force w.e.f. 06.03.2026. Reading of newly substituted Section 16 stipulates that where parties to a suit settle their dispute amicably at any stage of the proceedings and the suit is disposed of as settled/compromised by the Court, even without intervention of ADR, the



plaintiff shall be entitled to a certificate from the Court authorizing him to receive back from the Collector/competent officer the full amount of court fee paid in respect of the plaint.

7. Having regard to the fact that the parties have arrived at a settlement, and the suit has been disposed of in terms thereof, this Court is of the view that the plaintiffs are entitled to refund of the full court fees affixed on the plaint.

8. Accordingly, Registry of this Court is directed to issue a certificate to the plaintiffs for refund of full court fees.

9. The application stands disposed of in the above terms.

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10. In view of the order passed above, suit stands disposed of.

11. The date already fixed before learned Joint Registrar i.e. 25.04.2026, stands cancelled.

VIKAS MAHAJAN, J

MARCH 18, 2026

N.S. ASWAL