



\$~12

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

+ **CS(COMM) 194/2021 & I.A. 852/2022**

RAMESH KUMAR GARGPlaintiff

Through: **Mr. Sumit Rana, Adv.**

versus

M/S SHREE MURUGAN FLOUR MILLS PVT LTD....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

05.05.2026

%

1. Mr. Sumit Rana, learned counsel appearing on behalf of the plaintiff submits that the present suit has been filed praying for money decree in the sum of Rs.4,85,89,649/- along with interest, against the defendant.
2. He submits that during pendency of the present suit, the defendant/company went into liquidation and the present suit was adjourned *sine die*. He submits that the plaintiff also made his claim before the Official Liquidator.
3. He submits that against the said claim, the plaintiff has received the full and final settlement amount of Rs.1,41,79,855/- from the Official Liquidator by way of cheque under the cover of letter dated 04.08.2023, which has been accepted by the plaintiff.
4. He submits that after having accepted the said amount, the plaintiff is satisfied and there is otherwise, no other remedy available to pursue his claim. Accordingly, Mr. Rana seeks to withdraw the present suit.



5. The suit, along with pending application, is therefore dismissed as withdrawn.

6. At this stage, Mr. Rana submits that since the plaintiff has accepted the claim amount as tendered by the Official Liquidator appointed with regard to the defendant/company, the present suit may be treated as having settled and the Court fee affixed on the plaint be refunded. This Court finds merit in the submission of Mr. Rana.

7. 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.”

8. 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.

9. Having regard to the fact that the plaintiff has accepted the amount tendered to him by the Official Liquidator and has withdrawn the suit in terms thereof, this Court is of the view that the plaintiff is entitled to refund of full court fees affixed on the plaint.

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

VIKAS MAHAJAN, J

MAY 5, 2026

aj