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

+ **CS(OS) 167/2020**

PALLAVI RAO

.....Plaintiff

Through: Mr. Fahad Khan and Mr. Jahangir
Ahmad, Advs.

versus

LEENU SINGH

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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06.05.2026

I.A. 12638/2026 (by plaintiff under Order XXIII Rule 1 r/w Section 151 CPC and Section 16 of Court Fees Act, 1870 as applicable to NCT of Delhi seeking withdrawal of present suit in view of amicable settlement between the parties and refund of Court Fee)

1. By way of present application, the plaintiff seeks to withdraw the present suit stating that there is out of Court Settlement arrived at between the plaintiff and the defendant.
2. Mr. Fahad Khan, learned counsel for the plaintiff submits that the Settlement Agreement dated 30.04.2026 which has been arrived at between the parties, has been filed *vide* Diary No.E-203415/2026, however, the same is not on record. The Registry is directed to place the said settlement on record.
3. Another copy of the Settlement Agreement dated 30.04.2026 has been handed over across the Bar, the same is taken on record.
4. In view of the above settlement, Mr. Fahad Khan, learned counsel for



the plaintiff seeks to withdraw the present suit.

5. Accordingly, the suit is dismissed as withdrawn.

6. At this stage, Mr. Khan submits that since the suit was 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.

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

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

11. The next date of hearing i.e. 07.07.2026, before the learned Joint Registrar stands cancelled.

VIKAS MAHAJAN, J

MAY 6, 2026/dss