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

+ **CS(OS) 324/2021**

MR. NITIN MEHENDRU & ORS.Plaintiffs

Through: **Mr. V.P. Rana, Ms. Bhawana and Mr. Aviral Jain, Advs.**

versus

SH. PRAHLAD RAI & ORS.Defendants

Through: **Mr. Gagandeep Singh, Adv. for D-1 to D-11.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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16.04.2026

I.A. 10414/2026 (under Order XXIII Rule 1 read with Section 151 CPC seeking withdrawal of suit by plaintiff)

1. Mr. V.P. Rana, learned counsel appearing on behalf of plaintiffs submits that the parties have arrived at settlement out of Court and in terms thereof he is praying for withdrawal of the present suit.
2. Mr. Gagandeep Singh, learned counsel appearing on behalf of defendant nos.1-11 submits that he has no objection in case the present application is allowed.
3. Mr. Rana, further contends that the relief sought in the present suit is only against defendant nos.1-11.
4. In view of the above, the application is allowed and disposed of.

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5. In view of the order passed above, the suit along with pending



applications is dismissed as withdrawn.

6. The date already fixed i.e. 21.07.2026 stands cancelled.

7. At this stage, Mr. Rana submits that since the parties have arrived at settlement out of the Court, the Court fee affixed by the plaintiff may be refunded.

8. 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.”

9. 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.

10. 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 full court fees affixed on the plaint.

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

12. The next date of hearing i.e. 21.07.2026 stands cancelled.

VIKAS MAHAJAN, J

APRIL 16, 2026
N.S. ASWAL