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

+ **CS(OS) 328/2022**

DIWAN SAHEB FASHION PVT LTD

.....Plaintiff

Through: Mr. Jai Sahai Endlaw and Ms.
Sagarika Kaul, Advocates

versus

VIJAY BHUSHAN & ORS.

.....Defendants

Through: Mr Sanjeev Mahajan, Advocate for
D-1 to 9

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

08.01.2026

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I.A. 366/2026

1. Though the present application has been styled as filed under Order XXIII Rule 3 of CPC, however, vide the present the application, the Plaintiff is seeking withdrawal of the Suit under Order XXIII Rule 1(4) of CPC on the ground of settlement arrived at between the parties.
2. It is stated by the learned Counsel appearing for the parties that the parties have mutually resolved their disputes.
3. Learned Counsel for the Defendants states that they have handed over 07 Demand Drafts to the Plaintiff for a total sum of Rs.3,50,00,000/- in terms of the settlement arrived at between the parties as full and final settlement. The details of the Demand Drafts, as proved by the Defendants, read as under:



S. No.	DD No.	Date	Drawn on	Amount (Rs.)
1.	023552	24.12.2025	HDFC Bank	43,75,000/-
2.	679124	07.01.2026	Punjab National Bank	43,75,000/-
3.	000729	07.01.2026	Axis Bank	87,50,000/-
4.	000059	07.01.2026	Bank of India	36,45,833/-
5.	000060	07.01.2026	Bank of India	29,16,667/-
6.	360144	07.01.2026	Union Bank	21,87,500/-
7.	100854	07.01.2026	Axis Bank	87,50,000/-
Total				3,50,00,000/-

4. Mr. Surinder Diwan, Authorized Representative of the Plaintiff, is present in Court and he states that a settlement has been arrived at between the parties. His statement has also been taken on record.

5. In view of the above, the learned Counsel for the Plaintiff states that the Suit may be permitted to be withdrawn.

6. Learned Counsel for the Plaintiff has also prayed for refund of Court Fees under Section 16-A of Court Fees Act, 1870 as applicable to Delhi. He states that the law as originally stood was that only 50% of the Court Fees was permitted to be refunded when the Suit was withdrawn on the basis of compromise/settlement. He states that the said provision was a subject matter of challenge in a writ petition being W.P.(C) 10235/2022 and after the said challenge, the State Legislature has brought an amendment permitting 100% refund of Court Fees.

7. The Plaintiff is directed to move a separate application seeking 100% refund of Court Fees along with a copy of the necessary amendment.

8. The Suit is disposed of as withdrawn, along with pending



application(s), if any.

9. All other proceedings arising out of the present matter stand closed.
10. The application is disposed of.
11. The next date of hearing i.e., 04.02.2026, stands cancelled.

SUBRAMONIUM PRASAD, J

JANUARY 08, 2026

S. Zakir