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

+ **CS(OS) 409/2021**

GYANENDER BANSAL & ANR.Plaintiffs

Through: Mr. Nitish Chaudhary, Advocate with
plaintiffs.

versus

DIVYANK BANSAL & ANR.Defendants

Through: Ms. Meenal Duggal, Advocate for
D1.

Mr. Pushkar Khanna, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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23.02.2026

[Hearing was conducted only through video-conferencing mode on account of public notice dated 19.02.2026 issued by this Court with respect to Bar Council of Delhi elections]

I.A. 4976/2026 (Application under Order XXIII Rule 1 read with Section 151 CPC by the plaintiffs and defendant no.2 /counter-claimant)

1. The present application has been jointly filed by the plaintiffs and defendant no.2 seeking withdrawal of the suit as well as the counter-claim.

2. Learned counsels appearing on behalf of the parties submit that settlement was arrived at between the parties, terms whereof have been reduced in writing in the form of settlement agreement dated 05.05.2025.

3. In view of the above, application is allowed.

CS(OS) 409/2021 and COUNTER-CLAIM NO. 29 OF 2024

4. The suit and the counter-claim are dismissed as withdrawn.

I.A. 4977/2026 (Joint application under Section 16 of the Court Fees Act, 1870 read with Section 151 CPC by the plaintiffs and defendant no.2/counter-claimant)

5. By way of present application, plaintiffs and defendant no.2 seek the



refund of court fees affixed on the suit as well as the counter-claim. Since the parties have arrived at settlement and in terms thereof, suit and the counter-claim are withdrawn, this Court is of the view that they are entitled for refund of half the amount of court fee affixed by them since the settlement is without intervention of Alternate Dispute Redressal Mechanism (ADR).

6. Accordingly, Registry is directed to issue a certificate in that behalf.

7. The learned counsels for the parties points out that the issue with regard to the refund of entire Court fee even in cases where the parties have arrived at out of Court settlement without intervention of ADR mechanism, is pending consideration before the Division Bench of this Court by way of reference in CS (COMM) 98/2023 titled as ***V. Guard Industries Ltd. vs. Ms. Mahavir Home Appliances and Anr. & Anr.***

8. They submit that liberty may be granted to them to move an application asking for the refund of balance half of the Court fee, in the event the above issue is decided in favour of refund of full Court fee.

9. In view of the aforesaid submission made, liberty as aforesaid is granted to the parties.

10. The next date fixed in this matter, i.e., 12.05.2026 stands cancelled.

VIKAS MAHAJAN, J

FEBRUARY 23, 2026/jg