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

+ **CS(OS) 855/2025 & I.A. 29854/2025**

GAJENDER KUMAR

.....Plaintiff

Through: Mr. Tushar Sharma and Mr. Yogesh
Kumar, Advs.

versus

LAKSHMI AGGARWAL

.....Defendant

Through: Mr. Imtiyaz, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

06.05.2026

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CS(OS) 855/2025

1. The present suit was filed by the plaintiff praying for specific performance. However, during pendency of the suit, parties were referred to mediation, where they arrived at settlement, terms whereof have been reduced in writing in the form of settlement agreement dated 02.04.2026, a copy of which has been received from Delhi High Court Mediation and Conciliation Centre, and is on record.
2. A perusal of the settlement agreement shows that the same has been signed by all the parties to the suit. Further, the Court finds the terms of settlement to be lawful, therefore, there does not seem to be any impediment in decreeing the suit in terms of the settlement.
3. Learned counsels appearing on behalf of the parties also affirm the factum of settlement and state that statement of the parties in that behalf has



also been recorded by the learned Joint Registrar on 04.05.2026.

4. A perusal of the said statements shows that the parties have affirmed factum of settlement and the said settlement agreement dated 02.04.2026 has also been exhibited as Ex. PW1/A.

5. In view of the above, the suit is decreed in terms of the settlement agreement dated 02.04.2026 (Ex. PW1/A), which shall form part of the decree and the parties shall remain bound by the terms of the settlement.

6. Let decree be drawn in the above terms.

7. At this stage, learned counsel appearing on behalf of plaintiff prays for the refund of Court fee.

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. Pending application stands disposed of.

VIKAS MAHAJAN, J

MAY 6, 2026

N.S. ASWAL