

M/s Bio Smith Life Sciences Vs. M/s Shellz India Pvt. Ltd through Authorized
signatory Kapil Garg

Present: Sh. Sandeep Malik, Advocate for plaintiff.

Sh. Abhishek Bhatti, Advocate for defendants.

Today, the case was fixed for cross-examination of deferred witness Vikrant and for remaining evidence of plaintiff at his own responsibility to prove his case/stand. Neither deferred witness nor any other PW is present today.

At this stage, counsel for plaintiff has suffered a statement that in the present case, compromise has been effected between the parties to the suit. Therefore, he does not want to pursue the present suit on the instructions of plaintiff and withdraws the same and be consigned to records and further he requested for refund of court fee. Separate statement to this effect recorded. Heard. In view of statement of counsel for plaintiff, the present suit is hereby, **dismissed as withdrawn**.

The Hon'ble Apex Court held that whether the parties to a litigation get their dispute settled by invoking Section 89 CPC or they get the same settled between themselves without invoking Section 89 CPC. The party paying court fees in respect thereof should be entitled to refund of court fees as provided under Section 16 of the Court Fees Act, 1870. Also in the judgment of **Pradeep Sonawat Vs. Satish Prakash CR No.89 of 2014 decided on 28 January, 2015**, the **Hon'ble Punjab and Haryana High Court while referring the judgment of Tarun Juneja and others Vs. Hukam Singh CR No.874 of 2009 decided on 15.09.2009** observed that on conjoint reading of the act it may be observed that the intention of the legislature was to extent a twin relief to the parties i.e. to get the matter settled and in case it is settled to refund the court fees affixed by the plaintiff on the plaint. The motive behind insertion of this provision was to encourage settlement of disputes with the media of lok adalat. It is felt that whether the compromise is with the persuasion of the court or amongst the parties by themselves or otherwise invocation of provision of Section 16 of Court Fee Act should be made in all cases so that settlement by way of alternative dispute resolution mechanism are encouraged. Accordingly, in view of the aforesaid legal position, the present suit is hereby **dismissed as withdrawn and court fees be refunded to plaintiff, as per rules**. Concerned Ahlmad is directed to issue an Authorization Certificate in this regard in favour of the plaintiff. File be consigned to record-room after due compliance.

Date of Order: 13.07.2026
Ritu

(Ms. Neha Goyal)
Additional Civil Judge (Senior Division),
Sonipat
UID No . HR00359