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

+ **CS(OS) 936/2025**

JEEWAN MALA HOSPITAL PVT LTDPlaintiff

Through: Mr. Varun Singh, Ms. Parijat Singh
and Ms. Bhumi Sharma, Adv.

versus

MR RAJNISH GUPTA & ORS.Defendants

Through: Mr. Karan Suneja, Adv. for D-1 and
D-2.

Mr. Randhir Singh, Adv. for D-3.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **24.03.2026**

I.A. 7872/2026 (under Order XXIII Rule 3 CPC recording compromise and disposal)

1. The present application has been filed by the plaintiff under Order XXIII Rule 3 read with Section 151 CPC for recording of compromise and disposal of suit in terms thereof.
2. It is stated in the application that during pendency of the present suit, the parties have amicably resolved all their disputes and differences and they have executed a settlement deed dated 12.03.2026, a copy of which is annexed as Document 1 to the present petition.
3. Mr. Karan Suneja, learned counsel appearing on behalf of defendant nos.1 and 2 also affirms the factum of settlement.
4. Mr. Randhir Singh, learned counsel appearing on behalf of defendant no.3 submits that the defendant no. 3 is not a party to the settlement, however, the said defendant does not have any objection to the suit being decreed in terms of the settlement.
5. Attention of the Court has been drawn to the settlement deed dated



12.03.2026, which has been signed by the plaintiff, as well as, by the defendant nos. 1 and 2. The Court has perused the said settlement deed and find that the terms of settlement are lawful. Therefore, this Court does not find any impediment in decreeing the suit in terms of the settlement.

6. Accordingly, the suit is decreed in terms of the settlement deed dated 12.03.2026, which shall form part of the decree. The parties to the settlement deed shall remain bound by the same. The suit stands disposed of.

7. At this stage, Mr. Varun Singh, learned counsel appearing on behalf of plaintiff prays for the refund of court fee on the ground that parties have arrived at settlement.

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 plaintiffs are entitled to refund of full court fees affixed on the plaint.

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

12. The application stands disposed of in the above terms.

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13. In view of the order passed above, the suit along with pending applications, is disposed of.

14. The date already fixed before this Court, as well as, the next date before the learned Joint Registrar stand cancelled.

VIKAS MAHAJAN, J

MARCH 24, 2026

N.S. ASWAL