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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.2444 of 2015

Date of decision: April 08, 2015

M/s Paras Cotspin Limited

.....Petitioner

Versus

M/s Mohit Enterprises

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Saravpreet Gurna, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 07.11.2014.

Learned counsel for the petitioner has submitted that the petitioner had filed suit for recovery. However, vide order dated 21.05.2013, plaint was ordered to be returned to the petitioner under Order 7 Rule 10 of Code of Civil Procedure, 1908 ('CPC' for short). Thereafter, petitioner moved an application for refund of the Court fee, as the parties had amicably settled their dispute.

Since in the present case, the plaint was returned to the petitioner under Order 7 Rule 10 CPC and now, petitioner does not want to present the plaint before the Court of proper jurisdiction, as the parties have amicably settled their dispute, the trial Court should have ordered the return of the Court fee affixed by the petitioner on the plaint, to the petitioner.

Hence, the impugned order dated 07.11.2014 is set aside and consequently, the application moved by the petitioner for return of Court fee, is allowed.

**(SABINA)
JUDGE**

April 08, 2015