

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

LPA No.438 of 2015(O&M)

Date of decision:23.3.2015

Dr. Gagandeep Singh

....Appellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Upender Prasher, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 28.10.2014 whereby the claim of the writ petitioner for refund of registration fee of Rs.2,30,000/- was declined for the reason that civil suit for recovery of the said amount was barred by limitation before the appellant filed the writ petition.

Admittedly, the writ petitioner deposited the said amount in the year 2010 while the writ petition was filed in the year 2014. Keeping in view the limitation to recover the amount wrongly paid is 3 years from the date of payment, therefore, we do not find any error in the findings recorded by learned Single Bench.

The argument of learned counsel for the appellant is that limitation would start running from the date the other identical situated persons were ordered refund.

We find that such argument cannot be accepted. The right to recover an amount paid is a personal action. Merely because in some other case, there is a direction for refund will not confer any

fresh cause of action so as to extend period of limitation for the appellant.

In view thereof, we do not find any merit in the present appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

MARCH 23, 2015
‘D. Gulati’

(LISA GILL)
JUDGE