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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(OS) 820/2013  
M/S DIAMOND PRODUCTS LTD ..... Plaintiff  
Through: None.

versus

FOOTMART RETAIL INDIA LTD ..... Defendant  
Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**  
% **17.08.2016**

The matter is listed on the basis of an office note. The plaintiff had filed an application being IA No.9259/2016 for rectification of the decree sheet, *inter alia*, praying that the amount of pendente lite interest be mentioned as well as the cost be quantified. The said application was disposed of by an order dated 04.08.2016 directing the Registry to verify the quantum of pendente lite interest and also verify the costs and rectify the decree sheet accordingly. The Registry has submitted that the bill of costs and counsel's fee certificate has not been filed and, therefore, such costs cannot be included. The court fee has been calculated on the decretal amount of ₹38,12,595/- as provided under the Court-Fees Act, 1870. However, the plaintiff had paid the court fee as per the New Act which has been rolled back in view of the judgment of the Division Bench of this Court in W.P.(C) No.4770/2012.

In the aforesaid circumstances, the cost be quantified at the Court Fee

payable on ₹38,12,595/-. The plaintiff would be at liberty to apply for refund of the excess court fees.

It is also pointed out by the Registry that it is not the practice to quantify the pendente lite interest. Accordingly, the same is not required to be quantified and the order dated 04.08.2016 to the aforesaid extent is recalled.

**VIBHU BAKHRU, J**

**AUGUST 17, 2016**  
**MK**