

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1930 of 2016
Date of decision : March 15, 2016

Shama Sharma

..... Petitioner

Versus

Karam Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Gaurav Gupta, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

Learned counsel appearing on behalf of the petitioner-plaintiff submits that the petitioner is aggrieved of the impugned order whereby prayer for refund of court fee on the basis that the matter was compromised, has been declined.

He further submits that the suit for specific performance of the agreement to sell was decreed. The appeal was filed for refund of court fee for ₹3,66,325/-. However, during the pendency of the appeal, the matter was compromised and the sale deed has been executed. In this context, the prayer was for refund of court fee.

I have heard learned counsel for the petitioner, appraised the paper book and I am in agreement with the

submissions made by learned counsel for the petitioner. The parties have compromised the matter. The court fee should be refunded back to the petitioner as he was compelled to file the appeal to seek vindication of his grievance.

The order under challenge is not sustainable in the eyes of law, thus, the same is set aside. The petitioner-plaintiff is allowed to seek refund of the aforementioned amount of court fee in accordance with law.

The revision petition is allowed.

(AMIT RAWAL)
JUDGE

March 15, 2016
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