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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2394-2016 (O&M)
Date of decision : 20.12.2016

M/s Entrepreneurs (Calcutta) Pvt. Ltd.

... Appellant

Versus

Matadin

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sanjay Vij, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

Learned counsel for the appellant-plaintiff submits that in pursuance to the order dated 22.11.2016, the matter had been sent to the Mediation and Conciliation Centre of this Court and as per the report of the Mediator dated 08.12.2016, the matter has been compromised.

He further submits that the parties are agreeable to the compromise. The compromise be made part of the decree.

In view of the above, the appeal is disposed of in terms of the compromise duly signed by the parties/authorized signatories. The parties shall be bound by the compromise.

At this stage, Mr. Sanjay Vij, learned counsel appearing on behalf of the appellant-plaintiff submits that the present appeal has been filed against the judgment and decree seeking the specific performance of the agreement to sell and alternate relief of refund of the earnest money and

huge amount of Court fees has been paid. Since the matter has been compromised, he may be granted liberty for refund of the Court fees.

In view of above, I am of the view that the prayer of the appellant-plaintiff is genuine and fair/honest as the matter has been compromised at the threshold. I deem it appropriate to refund the Court fees paid in this Court for pursuing the appeal in accordance with law.

The order of refund of the Court fees is being passed in view of the provisions of Section 16 of the Courts Fee Act, 1870 (for short 'the 1870 Act') as it is under the directions of this Court by invoking the provisions of Section 89 of the Code of Civil Procedure the matter was referred to the Mediation and Conciliation Centre of this Court, therefore, the appellant-plaintiff shall be entitled to seek the refund of the Court fees in view of the provisions of Section 16 of the 1870 Act.

With the aforesaid observations, the appeal stands disposed of.

20.12.2016

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No