

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

CR No.6843 of 2017
Date of decision : 04.10.2017

Gaurav Verma and another

...Petitioners

Versus

Zile Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

CM No.21241-CII of 2017

Application is allowed.

Exemption is granted, as prayed for.

Main Case

The plaintiffs-petitioners are in revision petition against the order passed by the Presiding Officer, Daily Lok Adalat, Karnal refusing to refund the Court fee affixed with the plaint in the trial Court, although, the Daily Lok Adalat has directed to return the Court fee affixed by the defendants before the First Appellate Court.

Learned counsel for the petitioners has submitted that as per Section 16 of the Court Fees Act, 1870, full amount of fee paid in respect of such plaint is to be refunded. He has also referred to the judgment passed by a Division Bench of the Hon'ble Karnatka High Court in support of his

submission, reiterated as *2007(2) Civil Court Cases 695, A. Sreeramaiah Vs. South Indian Bank Ltd., Bangalore and another.*

I have considered the submission of the learned counsel.

The object behind encouraging the settlement before the Lok Adalat is to reduce the litigation and allow the parties to live peacefully. This is for the benefit of the society at large. Section 16 of Court Fees Act, 1870 provides for refund of full amount of the fee paid in respect of such plaint.

In view of the aforesaid fact, the order passed by the Daily Lok Adalat refusing to refund the Court fee affixed by the plaintiffs-petitioners on the plaint before the trial Court is clearly erroneous.

For the reasons recorded above, the order under challenge is set aside.

Revision petition is allowed.

Direction is issued to the Collector to refund the Court fees deposited by the plaintiffs-petitioners in the suit to the petitioners.

Since, revision petition has been disposed of without issuing notice, it shall be opened to the Collector or any other party to file application for recall, if they so desire.

04.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**