

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-10160-C-2017 in/and
RSA No. 481 of 2014
Decided on: 07.11.2017**

Harbel Singh & Anr.**.....Appellants****versus****Harshdeep Singh****.....Respondent****CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Vivek Goel, Advocate
for the appellants.

Mr. Namit Gautam, Advocate
for the respondent.

*********RAJBIR SEHRAWAT, JUDGE (ORAL)**

**CM-10160-C-2017 in/and
RSA No. 481 of 2014**

This is an application praying for grant of permission to withdraw the present appeal on the basis of compromise arrived at between the parties and the affidavits submitted by them have also been attached with the application.

As per the application, the parties have entered into compromise which has been placed on record.

Notice of the application is given to the opposite counsel, who is present in the Court. No objection is made by the counsel for the respondent to the application moved by the applicants-appellants.

Resultantly, the application is allowed.

The appeal is permitted to be withdrawn.

Although, it is not specifically prayed for in the application, however, the counsel for the appellants submits that since the matter has been

compromised between the parties, therefore, the Court fee affixed on the

present appeal be refunded to the appellants.

To support his submission the counsel relies upon the judgment of this Court rendered in ***Civil Revision No.81 of 2014*** decided on ***28.01.2015 titled as Pradeep Sonawat Vs. Satish Prakash @ Satish Chaandra*** and order passed in ***RSA No.5128 of 2011*** decided on ***06.04.2015 titled as M/s Tara Chand Parmod Kumar and Ors. vs. State Bank of India.***

Perusal of the above said judgment rendered in Pradeep Sonawat (supra) shows that the Court has held that the Court fees deserves to be refunded to the party even in those cases where the compromise is arrived at without any intervention of the Court.

The prayer made by the appellants is found to be genuine. Therefore, it is ordered that the Court fee attached with the appeal be refunded to the appellants in accordance with law.

In view of the above, the application is allowed and the main appeal is dismissed as withdrawn with above said direction.

7th November, 2017

Manju

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No