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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7387-2016 (O&M)

Date of decision : 23.02.2018

Ram Kishan

... Petitioner(s)

Versus

Kamla Devi

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the order dated 01.08.2016 (Annexure P-1), whereby prayer for refund of court fee deposited in the trial Court on the basis that the matter was compromised, has been declined.

Learned counsel for the petitioner-plaintiff submits that the suit for specific performance of the agreement to sell was decreed by the trial Court vide judgment and decree dated 03.05.2016. The appeal preferred by the respondent-defendant against the aforesaid judgment and decree before the lower Appellate Court, which was disposed of on ground that the parties had arrived at a compromise. Since the matter was settled in Lok Adalat, the court fees paid by the plaintiff/petitioner in the trial Court be also refunded to him, but the Court below only ordered for refund of court fees paid by the defendant-respondent, Kamla Devi, by holding that the

matter has been settled in the appeal and not in the trial Court, thus, the impugned order suffers from illegality and perversity and urges this Court for setting aside the same.

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-plaintiff. Since, the parties have compromised the matter and the court fees paid by the defendant-respondent in appeal has been ordered to be refunded, the petitioner-plaintiff is also entitled to the refund of the court fees paid by him in the trial Court.

For the foregoing reasons, the impugned 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 court fees paid by him in the trial Court, in accordance with law.

The revision petition is allowed.

23.02.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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