

\$~7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 598/2013**

M/S METRO INFO SOLUTIONS (P) LTD Plaintiff

Through Mr.R.S.Bhalla, Advocate.

versus

M/S LILLIPUT KIDSWEAR LTD & ORS Defendants

Through None

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

30.10.2018

I.A.No.14527/2018

Keeping in view the averments in the application, the same is allowed and the present suit is restored to its original status.

Accordingly, the application stands disposed of.

CS(OS) No.598/2013

After some arguments, learned counsel for the plaintiff wishes to withdraw the present suit. Consequently, the same is dismissed as withdrawn.

A Division Bench of this Court in *Aya Singh Tirlok Singh Vs. Munshi Ram Atma Ram AIR 1968 Delhi 249* has held as under:-

“(4)It is true that the Court-fees Act has made certain provisions for refund and it may be argued that the legislative intent should be held to exclude refund in other cases, but the formidable array of authorities upholding the inherent power of the Court to direct refund ex debito

justitiae, impels us also to uphold the inherent power.

It must, however, be clarified that it is not every excess payment of court-fee which must be refunded as a matter of course. Apart from the mandatory provisions, the Court, in order to exercise its inherent power, has to consider the facts and circumstances of each case and come to a judicial determination whether or not the cause of justice requires refund.”

(emphasis supplied)

Consequently, Registry of this Court is directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector the full amount of the Court fee paid by it in the present suit.

MANMOHAN, J

**OCTOBER 30, 2018
KA**