

11

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 2069/2015 & I.As. 8021/2016, 11256/2016 AND 11389/2016

PRATAP SINGH

..... Plaintiff

Through: Mr. A.P.S. Ahluwalia, Senior Advocate
with Mr. S.S. Ahluwalia, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Defendants

Through: Mr. Pawan Mathur, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

18.09.2018

After some arguments, learned senior counsel for plaintiff, on instructions of Mr. Pratap Singh, who is personally present in Court, wishes to withdraw the present suit and all pending applications.

Consequently, present suit and all pending applications are dismissed as withdrawn.

At this stage, learned senior counsel for plaintiff also prays for refund of the Court-fees.

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 is directed to issue to the plaintiff a certificate authorizing him to receive back from the Collector the full amount of the Court fee paid by him in the present suit.

MANMOHAN, J

SEPTEMBER 18, 2018

js