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

+ LA.APP. 14/2017

SATISH CHYANDER VIJ (DECEASED) THR LRS..... Appellant

Through: Mr. S.K. Rout and Mr. Aman
Mehrotra, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Sanjay Kumar Pathak, Ms.
Koumaudi Kiran Pathak, Mr. Sunil
Kumar Jha, Mr. Kushal Raj Tater and
Mr. Shoaib Akhtar, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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23.03.2018

CM No.11888/2018

Issue notice. Learned counsel for the appellant accepts notice and has no objection to the application. The application is allowed and the appeal is taken up for hearing today itself.

LA.APP.14/2017

1. The appellant has challenged the judgment dated 07th September, 2016 whereby the Reference Court has enhanced the compensation by applying the circle rates.
2. This court vide order dated 21st December, 2017 in LA.APP.197/2017 filed by Union of India has already set aside the impugned judgement dated 07th September, 2016 and the matter has been remanded back to the Reference Court for leading of additional evidence by both the parties and passing a fresh order. The parties have been directed to appear before the Reference Court on 30th January, 2018. This appeal is disposed of in terms of order dated 21st December, 2017 in L.A. APP. 197/2017.

3. Learned counsel for the appellant seek refund of the Court fees under Section 13 of the Court Fees Act, 1870 read with Order XLI Rule 23 of the Code of Civil Procedure, 1908 which provides for refund of the Court fees. Considering that the Reference Court had disposed of the reference on a preliminary point by taking the circle rates and the remand has been made of this preliminary point of law, the prayer for refund of the Court fees is allowed and the registry shall grant a certificate authorising the appellant to receive back the full Court fees paid on the memorandum of appeals from the Collector of Stamps.
4. Copy of this order be given *dasti* to counsels for the parties under the signature of the Court Master.

J.R. MIDHA, J.

MARCH 23, 2018
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