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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.7193 of 2018 (O&M)
Date of Decision: 23.01.2019**

MOHAN LAL @ MOHAN SINGHPetitioner

Vs

AKBAR KHAN

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harsh Kinra, Advocate
for the petitioner.

Mr. Vivek Suri, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 26.09.2018 passed by Addl. Civil Judge (Sr. Divn.) Panchkula, vide which objections and application for framing of issues were dismissed.

[2]. Learned counsel for the parties are *ad idem* that the parties have resolved their controversy by way of entering into an amicable resolution of the dispute.

[3]. The suit of the plaintiff/respondent Akbar Khan was decreed. The appeal filed by the judgment debtor/petitioner was dismissed by the lower Appellate Court and by the High Court in RSA No.5501 of 2016.

[4]. In the execution filed by the decree-holder, the

objections filed by the judgment-debtor were dismissed vide the impugned order dated 26.09.2018.

[5]. Learned counsel for the petitioner submitted that with the compromise executed between the parties, this revision petition has become infructuous.

[6]. Learned counsel for the parties have also made prayer for refund of the court fee fixed by the parties at the relevant time i.e. at the time of filing of suit by the plaintiff before the trial Court and at the time of filing first appeal by the defendant before the lower Appellate Court.

[7]. In view of compromise between the parties, this revision petition is ordered to be rendered infructuous, however the parties would be at liberty to approach the executing Court on the strength of **Pardeep Sonawat vs. Satish Prakash @ Satish Chandra, 2015(1) R.C.R. (Civil) 955 (P&H)**. The executing Court shall consider whether the ratio of aforesaid judgment would apply in case of execution for giving benefit of Section 16 of the Court Fees Act. The parties would be at liberty to show that the refund of the court fee cannot be denied merely because the matter has not been settled before the Lok Adalat.

January 23, 2019

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No