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

+ RFA(OS) 60/2019

CAMPUS EAI INDIA PVT LTD Appellant

Through Mr. Sumit Wadhwa and Mr. Mukul
Kochhar, Advocates

versus

NEERAJ TIWARI & ORS Respondents

Through None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **30.07.2019**

CM APPL.34118/2019 (by appellant under Section 51 of the CPC)

1. The present application has been moved by the appellant praying *inter alia* for refund of the excess Court fee paid on the appeal that was disposed of on the very first date on the basis of a statement made by learned counsel for the appellant seeking extension of time to pay the costs imposed under the impugned judgment, to the respondent nos. 2 to 5.

2. Learned counsel for the appellant draws our attention to the prayer clause of the appeal wherein, the relief was limited to seeking setting aside of the costs imposed in the impugned judgment dated 29.03.2019. He states that the appellant had accepted the judgment on merits and had confined the relief in the appeal to the aspect of costs which has been tendered to the other side. He states that inadvertently, the appellant had deposited the court fee to the tune of Rs. 1 Lakh on the appeal under a bona fide impression that

the entire court fee would be payable, whereas the court fee actually liable to be deposited was only for a sum of Rs. 8,250/-. Hence the present application for seeking refund of the excess Court fee to the tune of Rs. 91,750/-.

3. In view of the submission made above, the present application is allowed.

4. The Registry is directed to issue a certificate in favour of the appellant for refund of the excess court fee to the tune of Rs. 91,750/-.

4. The application is disposed of.

HIMA KOHLI, J

ASHA MENON, J

JULY 30, 2019/rr