

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

-:-

R.S.A No.3322 of 2019 (O&M)

Date of decision : 30.01.2020

Krishan

....Petitioner

Vs.

Ram Kumar & Ors.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vijay Pal, Advocate, for the applicant-appellant

Mr. Vivek Khatri, Advocate, for respondent No.1.

ALKA SARIN, J.

C.M No.672-C of 2020

This is an application for permission to withdraw the present regular second appeal on the ground that parties have amicably settled the dispute.

C.M is allowed. The present Regular Second Appeal is dismissed as withdrawn.

C.M No.671-C of 2020

This is an application filed under Section 16 of the Court Fees Act, 1870 for refund of court fee of Rs.12,130/- on the ground that the matter between the parties has been compromised.

Learned counsel for the applicant relies upon 2009(1) Law Herald 721, Pritam Singh Vs. Ashok Kumar to contend that irrespective of the fact whether the matter has been settled before the Lok Adalat or otherwise, the refund of the court fee should be permitted.

This Court in the case of **Pritam Singh (Supra)** has held as under:-

[7]. By referring to Pradeep Sonawat Vs. Satish Prakash

@ Satish Chandra, 2015(1) RCR (Civil) 955 (P&H),

learned 2 of 3 counsel for the appellant contended that

*Section 89 CPC would apply even in cases of counter claims in suits and also in appeals, counter objections and counter appeals and benefit of [Section 16](#) of the Court Fee Act is available to the appellant in appeal in case of settlement irrespective of fact whether it was before the Lok Adalat or otherwise. The refund of Court fee cannot be denied merely because the matter has not been settled before the Lok Adalat. Learned counsel also relied upon **A. Sreeramaiah Vs. Sought Indian Bank Ltd., Bangalore and another, 2007(5) RCR (Civil) 374, Kamalamma Vs. Honnali Taluk Agricultural Produce Co-operative Marketing Society Ltd., Honnali, 2010(1) AIR Kar. R 279 and CR No.874 of 2009 titled Tarun Juneja Vs. Hukam Singh decided on 15.09.2009.***

In view of the above, I deem it appropriate to allow the application. The appellant is entitled to refund of the court fee under Section 16 of the Court Fee Act, 1870. Needful be done by the Registry and normal consequences to follow.

C.M stands disposed of.

R.S.A No.3322 of 2019

Dismissed as withdrawn.

January 30, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : YES/NO

