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

+ **RFA(OS)(COMM) 46/2019**

NEW RAJPUT CO OPERATIVE GROUP HOUSING SOCIETY

..... Appellant

Through: Dr. Harish Uppal, Advocate with
Mr. Tileshwar Prasad and
Mr. Naresh Aditya Madhav, Advocates.

versus

M/S PARKLAND PROPERTIES PVT LTD Respondent
Through: Mr. Sunil Chauhan, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **29.07.2020**

HEARD THROUGH VIDEOCONFERENCING

**RFA(OS)(COMM) 46/2019, C.M. No. 16870/2020 (Exemption) and
C.M. No. 48309/2019 (Stay)**

1. In the light of the order dated 28th May, 2020 passed by the Supreme Court in Civil Appeal Nos. 2456-2458/2020 whereunder, this appeal has been held to be infructuous, the same is disposed of, along with the pending applications.

C.M. No. 16868/2020 (by the appellant for refund of court fee)

1. This application has been moved by the appellant/Society under Section 13 of the Court Fees Act read with Order XLI Rule 23 of the CPC

praying *inter alia* for passing appropriate orders for refund of the court fee deposited in the appeal.

2. Dr. Uppal, learned counsel for appellant/Society submits that as the appeal has been rendered infructuous in terms of the order dated 28.5.2020 passed by the Supreme Court in Civil Appeal Nos. 2456-2458/2020, appropriate orders be passed for refund of the court fee deposited thereon.

3. We are afraid, the provisions of Section 13 of the Court Fee Act and Order XLI, Rule 23 of the CPC do not apply in the present circumstances. This is not a case of remand, as contemplated in the said provisions. We are therefore not in a position to pass any orders in favour of the appellant/Society, as prayed for,

4. The application is dismissed.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

JULY 29, 2020/ap