

242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2188-2017
Decided on : 04.04.2022

Mahalaxmi Motors

..... Petitioner

Versus

M/s Pawan Kumar Satish Kumar

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vivek Goyal, Advocate
for the petitioner.

None for the respondent.

Manjari Nehru Kaul, J.(Oral)

By way of present petitioner, the petitioner is seeking modification of order dated 28.10.2016 (Annexure P-1) vide which the Court below failed to refund the Court fees to the petitioner while disposing of the execution petition even though it was a matter of record that a compromise had been effected between the parties before the National Lok Adalat and the Execution petition was disposed of on account of the same.

Learned counsel for the petitioner *inter alia* contends that at the time of recording their respective statements qua the compromise arrived at between the parties, it had been specifically asserted by both of them that in the wake of compromise arrived at, the Court fees in the sum of Rs.39,210/- affixed on the suit for recovery, be refunded to the petitioner. In support of his submissions, learned counsel has referred the judgment of this Court in ***Pradeep Sonawat vs. Satish Prakash, 2015(1) RCR (Civil) 955*** wherein it has been held that in case any litigation before the parties ends by way of compromise then the Court fees will be refunded back to the plaintiff irrespective of the circumstances, which may have led to the parties arriving

at a compromise.

Heard learned counsel and perused the material available on record.

Since the matter has been compromised between the parties and even the respondent has given his no objection to the refund of Court fees amounting to Rs.39,210/- to the petitioner, the petitioner is entitled to the refund of Rs.39,210/-.

Accordingly, the present petition stands allowed in terms of compromise and the order dated 28.10.2016 passed by the Court below is modified to the extent that the Court fees of Rs.39,210/- be refunded back to the petitioner.

(MANJARI NEHRU KAUL)
JUDGE

04.04.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No