

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1821-2021

Date of Decision: 10.01.2022

Nikita Sharma

....Petitioner

VS

Vikas Anand and anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

Office report indicates that respondent No.2 could not be served as she has left the address mentioned in the memo of parties.

Learned counsel for the petitioner submits that service of respondent No.2 is not essential as the matter involves refund of Court fee. Thus, service upon respondent No.2 is dispensed with.

It is submitted that Section 16 of the Court Fees Act, 1870 provides for refund of Court fee, if the parties settled the dispute by mutual consent. In this case, the suit for specific performance was withdrawn by the plaintiff on account of mutual settlement. The trial Court was in error in rejecting the application for refund of Court fee.

The submission has merit and accordingly, the revision petition is allowed. Impugned order dated 19.09.2019 (Annexure P-7) is set aside. It is ordered that certificate be issued to the petitioner for refund of Court fee so that she can collect the same from the Collector.

10.01.2022

Poonam Negi

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No