

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

234

**CWP-31625-2019 (O &M)
Date of decision: 29.10.2022**

JATINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- None for the petitioner.

Mr. K.S. Kang, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India read with Section 21 of the Legal Service Authority Act, 1987 praying for issuance of directions to the respondents to refund the Court fee paid by the petitioner since the dispute in question was settled before the National Lok Adalat and an award was passed on 09.09.2017.

2. Briefly summarized the facts of the present case are that the petitioner had a Civil Suit bearing No. 418 of 2017 on 10.03.2017 before the Civil Judge (Junior Division), Moga titled as "*Jatinder Singh versus Charanjit Kaur Malhi*" for recovery of money. Court Fee of Rs. 40,500/- has been paid by the petitioner on 03.03.2017 vide receipt No. 3076 from the Treasury Office, Moga. The aforesaid dispute was resolved amicably amongst the parties and the same was recorded by the trial Court in the proceedings held on 25.07.2017. The matter

was accordingly sent to the National Lok Adalat for finalization of the settlement and for passing of a decree based on compromise.

3. Accordingly, on 09.09.2017 the matter was taken up by National Lok Adalat where counsel for the plaintiff suffered a statement about the settlement amongst the parties on 25.07.2017 and to the effect that his suit may be dismissed as withdrawn and Court fee be refunded. An order was accordingly passed by the Presiding Officer of the National Lok Adalat, Moga for withdrawal of the suit and for directing refund of Court fee. The file was accordingly sent back to the concerned Court for consignment purpose. The same was accordingly taken up on 13.09.2017 by the Civil Judge (Junior Division) Moga and the suit was dismissed as withdrawn in terms of the order dated 09.09.2017 passed by National Lok Adalat. A certificate of Court fee (Annexure P-3) was also issued by the Civil Judge (Junior Division), Moga. However, despite issuance of such certificate, the Court fee has not been refunded. Upon issuance of notice, written statement on behalf of the District Legal Service Authority has already been filed wherein the District Legal Service Authority has reiterated the claim of the petitioner and has submitted that the petitioner is entitled to refund of the Court fee and that the said refund is to be directed by respondent No.2 i.e. the Deputy Commissioner-cum-Collector District Moga.

4. Taking into consideration, the aforesaid and the fact that there is no contradiction to the claim made by the petitioner, the right of the petitioner for seeking refund of the Court fee already deposited stands crystallized.

5. Section 21 of the Legal Services Authority Act, 1987

deals with the awards passed by the Lok Adalat. Section 21 of the Act reads thus:

21. Award of Lok Adalat.—

(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870 (7 of 1870).

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

6. A perusal of the aforesaid shows that once an award is passed by the Lok Adalat on the basis of a compromise which has been effected between the parties, the Court fee deposited by a party in such cases is to be refunded in the manner provided in the Court Fees Act, 1870. The certificate for refund of Court fee has already been issued by the Civil Judge (Junior Division) District Moga, there was no occasion or reason for non-refund thereof.

7. The statutory provision mandates the State instrumentalities to direct refund of the Court fee upon such certificate being issued. Failure on the part of respondent No.2 to direct refund amounts to non-compliance of the statutory mandate. The present petition is accordingly allowed. The respondent No.2-Collector-cum-Deputy Commissioner, Moga is directed to ensure refund of the Court Fee in terms of the Certificate so issued by the Civil Judge (Junior Division) Moga (Annexure P-3) within a period of 02 months of receipt

of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 29, 2022

Vishal sharma

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