

334

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2518-2005 (O&M)

Date of Decision: 10.08.2023

PIARA LAL

...Appellant

Versus

SAVINDER KAUR AND ANR.

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present:- Mr. Inderpreet Singh Kooner, Advocate
for the appellant.

Mr. Ankush Singla, Advocate
for the respondent.

GURBIR SINGH, J.(Oral)

CM-8750-C-2023

This is an application for refund of court fees paid by the parties in the trial Court, lower Appellate Court and in this Court in the present regular second appeal.

The counsel for the applicant-appellant has contended that the dispute between the parties has been settled. In the light of the principle enshrined in Section 16 of the Court Fees Act, 1870 and Section 89 CPC, the parties are entitled to be refunded the Court fees paid by them in the Courts below as well as this Hon'ble Court, irrespective of the fact that the settlement has been reached without the intervention of the Court but outside Court.

In support of his submission, the counsel has relied upon **Pradeep Sonawat vs. Satish Prakash, AIR 2015 PB.130; Tarun Juneja & Ors. vs. Hukam Singh, CR. No. 874-2009 decided on 15.09.2009; Harish Kumar (deceased) through LRs vs. Pawan Kumar Sehgal, RSA No.3645 of 2018 decided on 09.09.2019; Naresh Kumar vs. M/s Jasmer Singh Harphool Singh & Ors. RSA. No. 1265 of 2019 decided on 10.09.2019; A.**

Sreeramaiah vs. South Indian Bank Ltd. & Anr., 2007(5) RCR (Civil) 374 [Karnataka High Court]; and Kamalamma & Ors. vs. Honnali Taluk Agricultural Produce Coop. Marketing Society & Ors., 2009(33) RCR (Civil) 110 [Karnataka High Court].

A perusal of the decisions mentioned above makes it clear that Court fee can be refunded to the parties where a compromise/settlement has taken place even outside the Court. This is also the intention behind the provisions of law relied upon by the learned counsel so that the process of dispute resolution is encouraged.

In view of the aforesaid settled legal position, both the parties are allowed refund of their respective Court fees affixed before the trial Court, lower Appellate Court and this Court in the present regular second appeal.

CM stands disposed off in the above terms.

CM-8748-C-2023

Prayer in the instant application under Order 22 Rule 3 read with Order 23 Rule 1 read with Section 151 CPC for withdrawal of main appeal i.e. RSA-2518-2005 filed by the appellant.

For the reasons mentioned in the application the same is allowed and main appeal is ordered to be withdrawn.

RSA-2518-2005

Dismissed as withdrawn.

10.08.2023
Himanshu

(GURBIR SINGH)
JUDGE

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