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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-482-2021 (O&M)

Date of Decision: 08.05.2023

Parmanand

....Petitioner

Versus

Roshan Lal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. B.K. Bagri, Advocate
for the petitioner.

None for respondents.

ARUN MONGA, J. (ORAL)

Petition herein is for directing the Ld. Tribunal to refund court fees deposited in the suit filed by the petitioner.

2. The controversy involved in the present revision has been summed up by the coordinate bench of this Court while issuing notice of motion.

On 04.03.2021, when following order was passed:-

“Petitioner-Parmanand has filed the present civil revision petition inter alia with a prayer directing the ld. Additional Civil Judge(SD), Rewari for refunding of court fees of Rs. 1,80,800/- deposited by the petitioner/plaintiff in civil case No.166 of 2011 and other relief as mentioned in the civil revision.

Learned counsel for the petitioner by making reference to para 3 of the petition submits that respondent No.1/defendant had filed Regular Second Appeal No. 3809 of 2017. It is then submitted that during the pendency of the appeal, the matter was

compromised between the parties vide compromise dated 08.02.2018 (Annexure P-3).

Learned counsel therefore, submits that the amount of court fee paid by the petitioner/plaintiff amounting to Rs.1,80,800/- with the civil suit has since not been withdrawn.

Notice of motion for 30.04.2021.

The respondents are directed to submit their clear stand on the next date of hearing on the above issue.

List for final disposal on the date fixed.”

3. None appears on behalf of respondents despite service which is deemingly suggestive that they have no opposition to the revision being allowed.

4. Learned counsel would contend that in the judgment passed by Supreme Court in SLP (C) No.3063-3064 of 2021 titled *The High Court of Judicature at Madras Rep. by its Registrar General vs. M.C. Subramaniam and others* (Annexure P-5), it has been held that Section 89 CPC shall cover all methods of out-of-court dispute between the parties.

5. In my opinion, petitioner herein also, would be entitled to refund of court fee.

6. Revision is accordingly allowed. Ld. Court is directed to refund court fee within a period of six weeks from today.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

May 08, 2023
ashish

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No