



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 31/2024**

POLOTRIPS INDIA PVT. LTD. & ANR.Plaintiffs

Through: **Mr. Anubhav Singhal and Mr.
Nishant Walia, Advs.**

versus

KARNATAKA BANK LIMITED & ORS.Defendants

Through: **Mr. Sumeet Batra and Mr. D.K.
Sachar, Advs. for D-1.
Mr. Santosh Kumar Rout, Standing
Counsel for Indian Bank with Ms.
Dharna Veragi, Ms. Shilpa Chaurasia
and Mr. Aarsh Bhardwaj, Advs.
Mr. Ishwar Mahapatra and Mr. B.N.
Mishra, Advs. for D-7.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

30.01.2025

%

I.A. 46689/2024 (seeking refund of Court Fee)

1. Plaintiffs filed this application for refund of Court Fees deposited in the suit.
2. The plaint was returned under Order VII Rule 10 of CPC by judgement dated 18th September 2024 for lack of territorial jurisdiction.
3. On the aspect of refund of Court Fees, plaintiffs' counsel relies upon the decision of the Supreme Court in SLP(C) 18102/2013 titled ***Dr. (Col.) Subhash Chandra Talwar v. T. Choithram and Sons & Ors.*** order dated 25th October 2019; relevant portions are extracted as under:

“The appeal filed by the petitioner was dismissed.



However, the plaint was ordered to be returned with liberty to file it before the court of competent jurisdiction.

Thereafter, the petitioner filed an application for refund of the court fees. This application has been rejected only on the ground that the appeal has been disposed of on merits. We are unable to agree with the High Court. What has been disposed of is only the rejection order under Order VII Rule 10 of the Code of Civil Procedure. This is no order on the merits of the suit. The effect is the plaint has been ordered to be returned to be filed in the appropriate Court. Therefore, the petitioner was entitled to refund of the court fees so that he can fix the court fee in the State where he would like to file the suit. We therefore set aside the order of the High Court and direct that the entire court fees be refunded to the petitioner.

(emphasis added)

4. Taking reference from the above, present application is allowed.
5. Accordingly, the Court Fees be refunded to plaintiffs by the Registry of this Court.
6. The application is disposed of.
7. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 30, 2025/MK/sc