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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LA.APP. 495/2023**

BHIKA RAM (DECEASED) THR. LRS & ORSAppellants
Through: **Mr. Inder Singh, Advocate.**

versus

UOI & ANR.Respondents
Through: **Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr. Sunil Kumar Jha
and Mr. M.S. Akhtar, Advocates for
R-1/UOI.
Mr. Ranjeet Pandey and Ms. Mansha,
Advocates for DDA/R-2.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
% **18.03.2025**

CM APPL. 11423/2025

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CM APPL. 11422/2025

1. By way of present application filed under Section 13 of the Court Fee Act, 1870, the applicants/appellants seek refund of Court fee under Section 13 of the Court Fees Act, 1870 which provides for refund of the Court fees.
2. Learned counsel for the appellants submits that vide order dated 18.12.2024, the Ld. Predecessor Bench of this Court remanded the matter back to the Ld. Trial Court for a *de novo* hearing to adjudicate the matter afresh including on the evidence of the Respondent/DDA. In this regard,



reliance has been placed on the judgment dated 11.01.2018, passed in LA Appeal No. 156/2017, wherein the Court, while remanding the matter back to the Trial Court for leading further evidence, ordered a refund of the appellant's court fee. Accordingly, counsel prays that the court fee be refunded in the present matter as well.

3. Notably, the petitioner has placed reliance on judgment dated 11.01.2018, passed in LA Appeal No. 106/2017 titled 'Surinder Gupta & Anr. v. UOI & Anr.'. The relevant extract of which is reproduced hereunder:-

3. Learned counsels for the parties submit that the impugned judgment of the Reference Court be set aside and the matter be remanded back to the Reference Court with liberty to the parties to lead additional evidence of the parties with respect to the market value of the land and for passing afresh order.

4. The impugned judgment of the Reference Court is set aside and the matter is remanded back to the Reference Court with liberty to the parties to lead additional evidence in terms of the aforesaid judgment of the Supreme Court and the Reference Court shall pass afresh order in accordance with law. The appeals are disposed of in above terms.

5. Learned counsels for the appellants in both the appeals seek refund of the Court fees under Section 13 of the Court Fees Act, 1870 read with Order XLI Rule 23 of the Code of Civil Procedure, 1908 which provides for refund of the Court fees. Considering that the Reference Court had disposed of the reference on a preliminary point by taking the circle rates and the remand is being made of this preliminary point of law, the prayer for refund of the Court fees is allowed and the registry shall grant a certificate authorising the appellants in both the appeals to receive back the full Court fees paid on the



memorandum of appeals from the Collector of Stamps.

4. Considering that this Court while disposing of the present appeal vide order dated 18.12.2024, remanded the matter back to the Trial Court for a *de novo* hearing, the prayer for refund of the Court fees, in terms of *Surinder Gupta* (Supra), is allowed. The Registry shall grant a certificate authorizing the appellants to receive back the full Court fees paid on the memorandum of appeal from the Collector of Stamps.
5. In view of the above, the application stands disposed of.

MANOJ KUMAR OHRI, J

MARCH 18, 2025/ga