



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [CAF] NO.3754 OF 2025

IN

FIRST APPEAL NO.1316 OF 2018 [D]

[The Regional Manager, The New India Assurance Company Limited .vs. Mamtadevi w/o  
Manoj Pandey and others]

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Ms. S.H. Bhatia, Advocate for appellant.  
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CORAM : PRAVIN S. PATIL, J.

DATED : 23.12.2025.

1. It is pointed out from the office note that the Registry is not permitting to refund the court fees as per the rules as period for refund of court fees is already lapsed.
2. In view of this factual position, the applicant-appellant has relied upon the judgment of this court in Suit No.835/2014 decided on 5.4.2019. In the said matter also the identical question was arose and on the same ground the office was not permitting to withdraw the amount.
3. The applicant has pointed out that there are two contingencies which are considered by this court. If there is an order while disposing of the suit that refund of court fees as per the rules is permissible, then the application for certificate may be filed at any time thereafter. However, the second contingency is that at the time of disposal of the suit, there is no order sought or obtained for refund of court fees, then the application made either before the Registrar or to this court,

should made within one year from the date of settlement in the matter.

4. In the present case, from the order of Lok Adalat dated 11.2.2023, it is clearly stated as under :

“Court fees, if any, be refunded to the appellant as per the rules.”

5. As such, in the present matter, there is a specific order of refund of the court fees. Hence, in my opinion, the case of the appellant falls in category 17 (a) of the judgment of this court in Suit No.835/2014.

6. In view of the same, the application can be filed at any time and, therefore, the Registry cannot deny the refund of court fees as time has been lapsed.

7. In the circumstances, Registry is directed to refund the court fees/challan as per the rules.

8. The application stands disposed of.

(PRAVIN S. PATIL, J.)