



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

293

CR-2128-2021

Date of decision : 03.12.2025

Ranjit Singh**..... Petitioner****versus****Devinder Singh and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Rohit Singh, Advocate
for the petitioner.

Mr. Gaurav Rana, Advocate and
Ms. Alisha Sharda, Advocate
for respondent No.1.

PANKAJ JAIN, J. (Oral)

1. By way of present revision petition, the petitioner has laid challenge to order Annexure P-4, whereby while disposing off the appeal on the basis of compromise, Lower Appellate Court ordered refund of Court fee affixed on appeal. Plaintiff seeks refund of Court fee paid by him at the time of filing of the suit as well.

2. The issue of refund of Court fee paid before the Trial Court in the cases where the parties arrived at a compromise in appeal is no more *res integra* and the same has been answered by this Court in '**Surender Kumar versus Hans Raj Mandi**', 2021(2) RCR (Civil) 851, '**Naresh Kumar versus M/s Jasmer Singh Harphool Singh and others**', RSA No.1265 of 2019, '**Piara Lal versus Savinder Kaur and another**', RSA No.2518-2005 and '**Pradeep Sonawat versus Satish Prakash @ Satish Chandra**', 2015 AIR Punjab and Haryana 130, held



that in terms of Section 89 of the Code of Civil Procedure, 1908, amicable settlement is recognized even if the same is out of the Court and the same shall entail refund of the Court fee to the respective parties.

3. The Co-ordinate Bench of this Court in ‘**Pradeep Sonawat’s** case (*supra*), holding as under:-

“7. Conjoint reading of [Section 16](#) of the Act with [Section 89](#) of CPC leaves no doubt that endeavor of the legislature is for settlement of cases by alternative disputes settlement mechanism. Be it Lok Adalat or out of Court settlement or Arbitration or Conciliation or Mediation, effort always is to end the litigation once for all times to come. Settlement in terms of [Section 89](#) CPC results in complete end to the litigation. Resort to appeal or revision statutorily is out of the legal arena. Merely because the matter for settlement was not taken up in daily Lok Adalat, which under the aegis of the Haryana State Legal Services Authority, is held every day in each Court in the State after Court hours, should not be taken to the prejudice of the petitioner-plaintiff.

16. Going a step further, it is felt that whether the compromise is with the persuasion of the Court or amongst the parties by themselves in terms of [Section 89](#) CPC or otherwise, invocation of provision of [Section 16](#) of the Act should be made in all cases so that settlements by way of alternative dispute resolution mechanism are encouraged.

17. Keeping in view the totality of the facts, merely because the matter has not been settled in Lok Adalat, as has been observed by the lower Court while dismissing the application of the plaintiff-petitioner, invocation to [Section 16](#) of the Act should not have been refused.”

4. In view thereof, the present revision petition is allowed. Impugned order is modified to the extent that the plaintiff is entitled to refund of Court fee affixed on the plaint as well in addition to the refund of Court fee affixed on memo of appeal.



5. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

03.12.2025

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No