



\$~41

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

+ **CS(OS) 262/2025**

LATHIKA PAI

.....Plaintiff

Through: Ms. Pritha Srikumar Iyer and Ms.
Anwasha Singh, Advocates.

versus

**MICROSOFT CORPORATION (INDIA) PRIVATE LIMITED, &
ORS.**

.....Defendants

Through: Ms. Shreyasi Chakrabarty and Ms.
Raashika Kapoor, Advocates for D1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

30.05.2025

I.A. 14554/2025

1. This application is preferred on behalf of the Plaintiff under Section 151 CPC seeking refund of the Court fee.
2. It is submitted by counsel for the Plaintiff that since this Court did not have territorial jurisdiction to entertain the suit, the plaint was directed to be returned, *albeit* there was no order for refund of Court fee. Relying on Volume IV, Chapter 4 (Court Fees & Stamps), Part A (Reduction, Remission and Refund of Court Fees) and Rule 3 of the Delhi High Court (Original Side) Rules, 2018, it is urged that the Court fee be refunded since Plaintiff has paid Rs. 35 lacs and cannot be directed to pay Court fee twice. It is also submitted that on enquiries being made from the Registry at the City Civil Court, Bangalore, Plaintiff was informed that there is no practice



of transferring the Court fee from any other State Court and under The Karnataka Court Fee and Suits Valuation Act, 1958, Court fee will have to be paid when the plaint is re-presented. In support, counsel places reliance on the judgment of this Court in ***Britannia Industries Limited v. Oriental Insurance Company Limited***, (2022) SCC OnLine Del 5194.

3. Heard.

4. In light of the order dated 25.10.2019 passed by the Supreme Court in ***Dr. (Col.) Subhash Chandra Talwar v. T. Choithram and Sons***, followed by this Court in ***Britannia Industries (supra)***, where the plaints were returned under Order VII Rule 10 CPC for filing in appropriate Courts, respectively, this application is allowed, holding the Plaintiff entitled to refund of Court fees.

5. Accordingly, Registry is directed to grant a certificate of refund of the Court fees in favour of the Plaintiff.

6. Application stands disposed of.

JYOTI SINGH, J

MAY 30, 2025/shivam