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

+ C.R.P. 315/2025

SH KULDEEP SINGH & ANR.

.....Petitioners

Through: Mr. Akhil Sharma, Advocate.

versus

SATPAL SINGH & ORS.

.....Respondents

Through: Mr. Sameer Vashisht, SC GNCTD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

11.12.2025

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1. By way of the present revision petition, the revisionists, who were the plaintiffs in Misc. Case No. DJ 892/25 before the District Judge, assail an order dated 25.09.2025, by which their request for refund of court fees has been refused.

2. I have heard Mr. Akhil Sharma, learned counsel for the revisionists, as well as Mr. Sameer Vashisht, learned Standing Counsel for the Government of National Capital Territory of Delhi ["GNCTD"], who was requested to assist the Court *vide* order dated 13.11.2025.

3. The revisionists had instituted a suit [Civ. DJ 320/25] before the learned Trial Court. However, their application under Order VII Rule 10 of the Code of Civil Procedure, 1908 ["CPC"] seeking return of the plaint was allowed on 23.05.2025. Pursuant thereto, the revisionists applied for issuance of a certificate for refund of Court fees, which was declined by the impugned order.



4. The provision of Order VII Rule 10 of the CPC provides for return of a plaint, which may thereafter be presented to the Court in which the suit should have been instituted. Mr. Vashisht candidly accepts that when a plaint is returned under Order VII Rule 10 CPC, it is required to be returned alongwith the Court fees affixed thereto, so that the litigant is not compelled to incur Court fees afresh, upon presenting the plaint before the competent Court.

5. In the present case, since the plaint was returned under Order VII Rule 10 CPC, the revisionists were entitled to refund of the Court fees. I am of the view that, the refusal of such refund, therefore, cannot be sustained.

6. Accordingly, the revision petition is allowed. The learned Trial Court is directed to issue the requisite certificate for refund of the Court fees to the revisionists in accordance with law.

PRATEEK JALAN, J

DECEMBER 11, 2025
SS/SD/