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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 1340/2025 & I.A. 31311-12/2025

REPORTER BROADCASTING COMPANY PVT LTD.....Plaintiff

Through: Mr. Vikas Jain, Mr. Mohammed
Firdouz, Mr. Hardik Jayal and Mr.
Paras Gilhotra, Advs.

versus

FANATIC SPORTS PRIVATE LIMITED AND ORS.....Defendants

Through: Mr. Chetan Sharma, ASG with Mr.
Udit Dedhiya, SPC with Ms. Apurva
Sachdev and Mr. Preyansh Gupta,
Advs. for UOI/D-3.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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24.02.2026

CS(COMM) 1340/2025

1. Mr. Vikas Jain, learned counsel for the plaintiff at the outset submits that the present suit has not yet been registered. He further submits that in any case, the prayer in the present suit has also become infructuous. He, therefore, seeks to withdraw the present suit.

2. Accordingly, the suit is dismissed as withdrawn.

3. At this stage, Mr. Jain submits that the Court Fee affixed on the plaint be refunded.

4. He has predicated his prayer on the ground that the suit has remained unregistered and the *lis* was unadjudicated, therefore, the plaintiff is entitled to refund of the entire Court Fee.

5. In support of his contention, he has placed reliance on the decision of the Hon'ble Division Bench of this Court in *Amit Jain vs. Mahavir*



International Pvt. Ltd. & Ors. (DoD: 08.05.2023) passed in FAO (COMM)

27/2023. The relevant paragraphs of which reads thus:

“9. Coming to the other aspect, the question as to whether a money recovery suit should be filed before a commercial court or a ordinary civil court is too intricate a question of law to be fathomed by a lay person. The litigant in regard to such decisions goes completely by the advice of her counsel. Where a counsel in her wisdom arrives at a particular view on any point of law and acts accordingly, but subsequently feels not confident to proceed further, the litigant ought not to be punished monetarily.

10. It is trite that while interpreting a fiscal legislation like Court Fees Act, the court should adopt liberal attitude so as to lessen and not add to the burden of the litigant. Especially where the court dealing with the lis is of the view that it is not competent to decide the same, there is no logic in depriving the litigant refund of the court fees.

11. In the case of Nagpur District Central Cooperative Bank (supra) relied upon by learned counsel for appellant, in a similar situation, a Division Bench of the Bombay High Court, while referring to various judicial precedents including the decision of its Full Bench, took a view that where the court fees on the institution of a suit has been paid in a court which cannot possibly afford the relief sought, it does not seem consistent with sound principle that the plaintiff should be condemned to lose the fees thus paid, or that he should not be allowed to ask without paying a second fee for an adjudication from a court which can really give one.

12. Such refusal to refund court fees even in a lis which remained unadjudicated and expecting the litigant to pay up again would discourage the law-abiding litigant from approaching the justice dispensation system. Such a form of docket exclusion would be highly counterproductive for any civilized society.

13. In the present case, the fact remains that at the initial stage itself, on being pointed out the jurisdictional infirmity, the appellant



fairly conceded and moved the application dated 05.11.2022 seeking permission to withdraw the suit with liberty to file fresh suit, the lis remains unsolved. There having been no formal adjudication of the dispute brought by the appellant before the trial court, we are of the opinion, that it would be too onerous on the appellant to make him pay court fees afresh.”

(emphasis supplied)

6. This Court is of the view that, the reasoning on which the entire Court Fee has been refunded in **Amit Jain** (supra), will also be applicable to the situation in hand where the suit was not even registered and the Court was not called upon to adjudicate the *lis*.

7. Mr. Udit Dedhiya, learned SPC for defendant no.3 submits that he has no objection in case the entire Court Fee is refunded to the plaintiff.

8. In view of the above, this Court is of the view that the plaintiff is entitled to the refund of the entire Court Fee.

9. The Registry is directed to issue a certificate in that behalf.

VIKAS MAHAJAN, J

FEBRUARY 24, 2026/dss