

सही पन्ना प्रतिलिपि खाती  
 पत्र सं ३०१३५  
 दिनांक २५/११/६०  
 प्रशासक ३०१३५/११  
 राज्यपाल कार्यालय, नया दिल्ली

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JAIPUR BENCH JAIPUR

S.B. Civil Writ Petition No.1532/2015

M/s. Meel Builders and Developers Private Ltd.  
Versus

Additional Collector Stamps, Collectorate Jaipur & Ors.

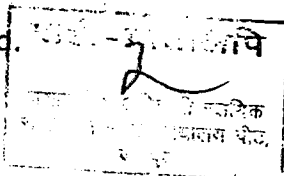
Date of Order---11<sup>th</sup> April, 2016

**HON'BLE MR. JUSTICE ALOK SHARMA**

Mr. P.S. Sirohi, for petitioner.  
Mr. Dheeraj Tripathi, for respondent.

The petitioner is aggrieved of the order dated 14.11.2014 passed by the Additional Collector (Stamps) Jaipur, whereby the refund of the court fee in a suit compromised was refused, despite the directions of the trial court under Section 65B of the Rajasthan Court Fee and Suit Valuation, Act 1961 (hereinafter "the Act of 1961") for failure to submit the cancelled stamps in original.

The facts of the case are that the petitioner filed suit No.34/78/2009 before the Additional District & Sessions Judge, Tijara, Alwar for specific performance of a contract. The suit was compromised before the Lok Adalat on 04.12.2012 and as per provisions of Section 65B of the Act of 1961, the Court directed that the court fee be refunded. A certificate dated 22.08.2013 was issued by the court of the Additional District & Sessions Judge, Tijara District Alwar for refund of the court fee of Rs.10,23,385/- in view of the suit, for which it was levied, having been compromised.



(2)

A n d

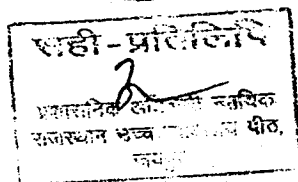
In the matter of Section 65  
(Kha) of the Rajasthan Court  
Fee Act 1961

A n d

Against the Notice / Letter  
No. 7291 dated 14.11.2014  
issued by Non Petitioner  
No.1 by which the petitioner  
was asked to submit original  
stamps of court fee for the  
refund of amount of court  
fee Rs.10,23,385.00 contrary  
to the provisions of law

A n d

Against the action of not  
paying the amount of court  
fees as per the Certificate  
issued by the Court

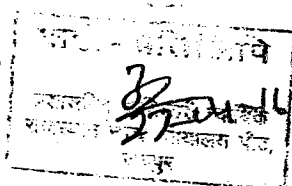


The petitioner thereupon submitted an application before the Additional Collector (Stamps), Jaipur for refund of the court fee alongwith the certificate dated 22.08.2013, issued by the Additional District & Sessions Judge, Tijara District Alwar as also certified copies of the plaint and stamps used in the said suit. However, vide order dated 14.11.2014 the application for refund of the court fee has been dismissed on account of the cancelled original stamps not having been submitted. Hence, this petition.

Having heard counsel for the parties, I am of the considered view that in view of Rule 53 of the Rajasthan Stamps Rules, 2004 read with Rule 11 and 12 of the Rajasthan Stamps Disposal Rules, 1962, it would be appropriate to direct the Additional District & Sessions Judge, Tijara District Alwar to return the petitioner's original stamps duly cancelled as filed alongwith the suit for specific performance since compromised before the Lok Adalat on 04.12.2012. An appropriate application be made for the purpose alongwith certified copy of this order. The cancelled stamps towards court fee used in the suit for specific performance filed by the petitioner, since compromised, be returned in original to the petitioner after taking a photo copy thereof, duly attested, for the purpose of the court's record.

The petition stands disposed of accordingly.

  
(ALOK SHARMA), J



20  
TENTY RUPEES

5  
COURT FEE  
FIVE RUPEES

Order Dated 11.4.16

2598  
22/1/15

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH JAIPUR  
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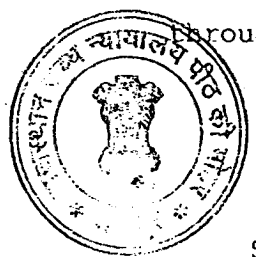
S.B. Civil Writ Petition No. 1532 /2015

M/s. Meel Builders and Developers Private  
Limited, B-82, Prithviraj Road, C-Scheme,  
Jaipur at present Royal Ensing, Statue  
Circle, C-Scheme, Jaipur through its  
Director Sh. Jaswant Meel s/o Shri Jainmal  
Ram Meel  
..Petitioner

Versus

1. Additional Collector Stamps  
Collectorate Jaipur
2. Smt. Sushma Arora, Additional Collector  
Stamps, Collectorate, Jaipur
3. State of Rajasthan through Secretary  
Department of Revenue, Govt. of  
Rajasthan, Secretariat Jaipur
4. High Court of Judicature for Rajasthan  
through its Registrar

..Non-Petitioners



S. B. Civil Writ Petition  
under Article 226 of the  
Constitution of India

सही-प्रतिलिपि  
प्रशासनिक विकास न्यायिक  
राजस्थान उच्च न्यायालय पीठ,  
जयपुर

**OATH COMMISSIONER**  
Rajasthan High Court Branch,  
JAIPUR

Put up  
in file  
2  
DR