

02-09-2025:

ORDER ON MEMO DATED 22-07-2025

The learned counsel for the plaintiff has filed a memo praying for refund of court fee to the bank of the plaintiff, as the suit has been withdrawn as not fresh. In support of the said memo, he has relied upon the judgment of Hon'ble High Court of Karnataka in RFA No.1475/2014.

The record disclose that on the date of withdrawn of the suit the defendant has already been placed ex-parte. Thus, the matter has not proceed to trial on merits.

In view of the law laid down by the Hon'ble High Court of Karnataka in the above cited decision, when a suit as withdrawn before commencement of final hearing, the plaintiff is entitled for refund of 75% of the court fee as provides under section 66(2)(c) of the Karnataka Court Fee and Suit Valuation Act.

In light of law laid down in the above cited judgment the office is direct to refund 75% of court fee paid on plaint to the plaintiff by crediting the same to the Bank Account of the plaintiff, if the bank account details furnished, after due verification.

Senior Civil Judge, Bailhongal