

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 12/2026

Advance Power Control, Office Situated At 172, Shiv Vihar Colony, Opposite V.k.i. Road No. 5, Sikar Road, Jaipur Through Authorize Signatory / Partner Rajni Rathi.

-----Petitioner/Plaintiff

Versus

1. R Tech Project Pvt. Ltd. Jaipur (Llp), Through Rajesh Kumar Yadav, Plot No. 3-A, Kanakpura Ind. Area, Sirsi Road, Jaipur.
2. R Tech Project Pvt. Ltd. Jaipur (Llp), Plot No. 3-A, Kanakpura Ind. Area, Sirsi Road, Jaipur Through Manager Director.

-----Respondents

For Petitioner(s)	:	Mr. Dikshant Jain
For Respondent(s)	:	None Present

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

23/02/2026

1. Despite service, none appears on behalf of the respondents to oppose the present writ petition.
2. By way of the present writ petition, the petitioner has assailed the order dated 27.11.2025, passed by learned Commercial Court No.2, Jaipur Metropolitan II, in Civil Case No. 94/2024, whereby the learned Trial Court declined to refund the Court fees on the ground that the parties had entered into a compromise outside the Court and, therefore, the Court fees was non-refundable.
3. Learned counsel for the petitioner submits that per se there was no adjudication on merits by the learned Trial Court and

during the pendency of the suit and prior to final adjudication, the parties amicably settled the dispute outside the Court. Pursuant thereto, the petitioner sought withdrawal of the suit along with a prayer for refund of Court fees. Relying upon the judgment of the Hon'ble Apex Court in the case of ***The High Court of Judicature of Madras Vs. M.C. Subramaniam & Ors., (2021) 3 SCC 560***, learned counsel for the petitioner submits that in cases where the matter is settled prior to adjudication of the suit on merits, refund of Court fees ought to be granted.

4. Heard learned counsel for the petitioner and perused the material available on record.

5. Upon perusal of the aforesaid judgment of ***M.C. Subramaniam*** (supra), this Court finds that the order dated 27.11.2025, is liable to be quashed and set aside. The learned Trial Court is directed to reconsider the petitioner's application for refund of Court fees in the light of the judgment rendered by Hon'ble Apex Court in ***M.C. Subramaniam*** (supra), and pass an appropriate order in accordance with law.

5. It is made clear that if the learned Trial Court finds that the dispute was genuinely settled between the parties outside the Court prior to adjudication on merits, there shall be no impediment in allowing the refund of the Court fees, in accordance with law.

6. The aforesaid exercise shall be carried out by the learned Trial Court as expeditiously as possible, without granting unnecessary adjournments to either of the parties.

7. With the above observations, the present civil writ petition stands disposed of.



8. Pending application(s), if any, also stands disposed of.

(BIPIN GUPTA),J

Sudha/55