

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 9864 OF 2017**

Maharishi Shankarrao Mohite-Patil  
Sahakar Sakhar Karkhana Ltd,  
Shankarnagar. Tal. Malshiras  
Dist. Solapur

.. Petitioner

v/s.

1. The State of Maharashtra  
Through the Public Prosecutor  
Legal Cell Department  
High Court, Mumbai – 400 001

2. District Court, Solapur

3. Jai Jagdish Brokar  
Through  
1. Mr. Dipak Jagdish Thakkar  
Age : adult, Occ. Business

2. Paresh Jagdish Thakkar  
Age : adult, Occ. Buiness  
R/o. 8, Paras Market,  
Near Nagar Palika, Dhule

.. Respondents

**WITH  
WRIT PETITION NO. 9863 OF 2017**

Maharishi Shankarrao Mohite-Patil  
Sahakar Sakhar Karkhana Ltd,  
Shankarnagar. Tal. Malshiras  
Dist. Solapur

.. Petitioner

v/s.

1. The State of Maharashtra

Through the Public Prosecutor  
Legal Cell Department  
High Court, Mumbai – 400 001

2. District Court, Solapur
3. Abhishek Enterprises  
Through  
Mr. Jeetandra J. Thakkar  
Age : adult, Occ. Business  
(Sugar Broker & Commission Agent)  
R/o. 586/87 Safallay,  
In front of 28 Murad Society,  
Salisbury Park, Gultekadi,  
Market Yard, Pune – 411 037

**WITH  
WRIT PETITION NO. 9868 OF 2017**

Maharishi Shankarrao Mohite-Patil  
Sahakar Sakhar Karkhana Ltd,  
Shankarnagar. Tal. Malshiras  
Dist. Solapur

.. Petitioner

v/s.

1. The State of Maharashtra  
Through the Public Prosecutor  
Legal Cell Department  
High Court, Mumbai – 400 001
2. District Court, Solapur
3. Suyog Sugar Trading Co.  
Through  
Mr. Yogesh Fulchand Pande  
Age : adult, Occ. Business  
R/o. A/4 Indraraj Apartment,  
Sheetal Hotel, F.C. Road,  
Shivajinagar, Pune - 5

.. Respondents

Mr. Suresh Sunil Shah a/w Mr. Swaroop Karade for the petitioner  
Mr. A.B. Vagyani, GP and Mr. Y.S. Kochare, AGP for the respondent  
no.1 – State  
Mr. Rahul Nerlekar for the respondent no.2

**CORAM : A.S. OKA &  
M.S. SANKLECHA, J.J.**

**DATED : 2<sup>nd</sup> APRIL, 2019**

**ORAL JUDGMENT : - (Per A.S. Oka, J.)**

1. On the earlier date, we had put the parties to the notice that considering the importance of the issue involved, the petitions will be taken up for final disposal at the admission stage. Accordingly we issue Rule. The learned Government Pleader waives service for the first respondent. Considering the nature of controversy, notice to the second and third respondents is dispensed with.

2. The issue which arises for consideration in these three petitions is as under :-

*“Whether a litigant who settles a suit before Lok Adalat held under the Legal Services Authorities Act, 1987 (for short “the said Act of 1987) is entitled to 100% refund of Court Fees paid ?”*

3. The factual aspect in all these three petitions are more or less same. Therefore, we are referring only to the facts in Writ Petition No.9864 of 2017. The petitioner filed a money suit against the third

respondent in the Court of Civil Judge, Senior Division at Malshiras, District Solapur. The suit was placed before the Lok Adalat on 9<sup>th</sup> April, 2016. A compromise was arrived at between the parties before the Lok Adalat and a written compromise was tendered on record before the Lok Adalat. The suit was disposed of in terms of the compromise by the Lok Adalat and an award was made.

4. On 14<sup>th</sup> July, 2016, an application was made by the petitioner before the learned Trial Judge for refund of the entire amount of Court fees of Rs.3 lakhs paid on the suit. The learned Trial Judge passed an order granting 100% refund in the light of the provisions of Section 89 of the Civil Procedure Code (for short "CPC") and Section 21 of the said Act of 1987. Accordingly, a refund was made of the Court Fees of Rs.3 lakhs. On the basis of an objection raised during the inspection of the District Court, the learned Trial Judge issued a notice dated 6<sup>th</sup> July, 2017 to the petitioner informing the petitioner that though the petitioner was entitled to refund of only 25% of the Court fees, the petitioner was granted full refund. Therefore, the petitioner was called upon to deposit a sum of Rs.2.25 lakhs. The present petition is filed for challenging the said communication / demand issued by the learned Trial Judge to the petitioner.

5. The submission of the learned Counsel appearing for the petitioner is based on Section 21 of the said Act of 1987. He submitted that provisions of the Court Fees Act, 1870 (for short “the Central Court Fees Act”) regarding the refund of the Court fees stands incorporated in sub-Section (1) of Section 21 of the said Act of 1987 and as the provisions of Central Court Fees Act provide for grant of 100% refund of Court fees in the suits settled before the Lok Adalat, the Trial Court was justified in granting 100% refund. He placed reliance on the observations made by a Division Bench of this Court in the case of *Sanjeevkumar Harakchand Kankariya Vs. Union of India & Ors.*<sup>1</sup> and in particular in paragraph 14. He submitted that it is already held by the Division Bench that Section 21 of the Act of 1987 is a case of legislation by incorporation.

6. The learned Government Pleader relied upon an affidavit of Shri. Rajendra Dattaram Sawant, Legal Advisor-cum-Joint Secretary, Law and Judiciary Department, Mantralaya, Mumbai. The submission of the learned Government Pleader is that so far as the payment and refund of Court fees in the Civil Courts in Maharashtra is concerned, the

1 Writ Petition No. 4919 of 2014, decided on 1<sup>st</sup> October, 2014

Maharashtra Court Fees Act, 1959 (for short “the State Court Fees Act”) is a complete code by itself. He urged that Section 43 of the State Court Fees Act provides for repayment of Court fees in case of settlement and, therefore, in the facts of the case, the repayment or refund of Court fees will be governed by the Notification dated 8<sup>th</sup> May, 2013 issued in exercise of powers under sub-Section (2) of Section 43 of the State Court Fees Act. He pointed out that going by the said Notification, in the present case, the petitioner is entitled to refund of Court fees only to the extent of 25%. He also invited our attention to the decision of the Division Bench of this Court in the case of *Sanjeevkumar S. Kankariya* (supra) and submitted that the question which arises in these petitions never arose before the Division Bench and, therefore, what is observed in paragraph 14 cannot be a binding precedent. He also relied upon the Maharashtra Court Fees Amendment Act, 2017 (For short “the Amendment Act”) and Section 16A incorporated in the State Court Fees Act by the said Amendment Act. He pointed out that Section 16A provides for 100% refund of the Court fees, in case the Court refers the parties to the suit to any of the modes of settlement of disputes referred in Section 89 of CPC. He also relied upon an extract of 189<sup>th</sup> Report on “Revision of Court Fees

Structure” by the Law Commission of India. He, therefore, submitted that the learned Trial Judge was justified in calling upon the petitioner to deposit a sum of Rs.2.25 lakhs.

7. We have given careful consideration to the submissions. The impugned demand made by the learned Trial Judge is not based on a judicial order and in fact an administrative order was passed calling upon the petitioner to pay a sum of Rs. 2,25,000/- . That is how we are entertaining this writ Petition under Article 226 of the Constitution of India. Section 19 of the said Act of 1987 empowers the State Legal Services Authorities or District Legal Service Authorities to organize Lok Adalats as provided therein. Section 20 lays down the cases which can be placed before the Lok Adalat. Section 21 is material which reads thus :-

*“21. Award of Lok Adalat.*

*(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870.*

*(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.”*

*(emphasis added)*

8. Section 16 of the Central Court Fees Act reads thus :-

*“16. Refund of fee. – Where the Court refers the parties to the suit to any one of the mode of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (5 of 1908), **the plaintiff shall be entitled to a certificate from the Court authorising him to receive back from the collector, the full amount of the fee paid in respect of such plaint.**”*

*(emphasis added)*

We must note that Section 16 is brought on the statute book by the Act No.46 of 1999 by which there were major amendments carried out to CPC.

9. On plain reading of Section 21, the provisions of the Central Court Fees Act relating to refund of Court fees stand incorporated in Section 21. The question is whether sub-Section (1) of Section 21 can be said to be an instance of a legislation by incorporation. In that behalf, we may make a useful reference to the two decisions of the Apex Court. The first one is in the case of *Mahindra and Mahindra Vs. Union of India*<sup>2</sup> and the second is in the case of *C.N.Paramasivam Vs. Sunrise Plaza*<sup>3</sup>. In paragraph 8 of the decision in the case of *Mahindra and Mahindra* (supra), the Apex Court held thus :-

*“8. The first question that arises for consideration in the preliminary objection of the respondents is as to what is the true scope and ambit of an appeal under Section 55. That section provides inter alia that any person aggrieved by an order made by*

<sup>2</sup> (1979) 2 SCC 529

<sup>3</sup> (2013) 9 SCC 460



*the Commission under Section 13 may prefer an appeal to this Court on "one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908". Now at the date when Section 55 was enacted, namely, 27th December, 1969, being the date of coming into force of the Act, section 100 of the Code of Civil Procedure specified three grounds on which a second appeal could be brought to the High Court and one of these grounds was that the decision appealed against was contrary to law. It was sufficient under Section 100 as it stood then that there should be a question of law in order to attract the jurisdiction of the High Court in second appeal and, therefore, if the reference in Section 55 were to the grounds set out in the then existing Section 100, there can be no doubt that an appeal would lie to this Court under Section 55 on a question of law. But subsequent to the enactment of Section 55 section 100 of the Code of Civil Procedure was substituted by a new section by section 37 of the Code of Civil Procedure (Amendment) Act, 1976 with effect from 1st February, 1977 and the new Section 100 provided that a second appeal shall lie to the High Court only if the High Court is satisfied that the case involves a substantial question of law. The three grounds on which a second appeal could lie under the former Section 100 were abrogated and in their place only one ground was substituted which was a highly stringent ground, namely, that there should be a substantial question of law. This was the new Section 100 which was in force on the date when the present appeal was preferred by the appellant and the argument of the respondents was that the maintainability of the appeal was, therefore, required to be judged by reference to the ground specified in the new Section 100 and the appeal could be entertained only if there was a substantial question of law. The respondents leaned heavily on Section 8(1) of the General Clauses Act, 1897 which provides:*

*"8(1) Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted."*

*and contended that the substitution of the new Section 100*



amounted to repeal and re-enactment of the former Section 100 and, therefore, on an application of the rule of interpretation enacted in Section 8(1), the reference in Section 55 to Section 100 must be construed as reference to the new Section 100 and the appeal could be maintained only on the ground specified in the new Section 100, that is, on a substantial question of law. We do not think this contention is well founded. It ignores the distinction between a mere reference to or citation of one statute in another and an incorporation which in effect means bodily leaving a provision of one enactment and making it a part of another. Where there is mere reference to or citation of one enactment in another without incorporation. Section 8(1) applies and the repeal and re-enactment of the provision referred to or cited has the effect set out in that section and the reference to the provision repealed is required to be construed as reference to the provision as re-enacted. Such was the case in the Collector of Customs V. Nathella Sampathu Chetty & Anr. (AIR 1962 SC 316 : (1962) 3 SCR 786] and New Central Jute Mills Co. Ltd. v. The Assistant Collector of Central Excise [(1970)2 SCC 820 : AIR 1971 SC 454 : (1971) 2 SCR 92]. But where a provision of one statute is incorporated in another, the repeal or amendment of the former does not affect the latter. **The effect of incorporation is as if the provision were written out in the incorporating statute and were a part of it. Legislation by incorporation is a common legislative device employed by the legislature, where the legislature for convenience of drafting incorporates provisions from an existing statute by reference to that statute instead of setting out for itself at length the provisions which it desires to adopt. Once the incorporation is made, the provision incorporated becomes an integral part of the statute in which it is transposed and thereafter there is no need to refer to the statute from which the incorporation is made and any subsequent amendment made in it has no effect on the incorporating statute.** Lord Esher, M.R., while dealing with legislation in incorporation in *In re. Wood's Estate* [(1886) 31 Ch.D. 607] pointed out at p. 615:

"If a subsequent Act brings into itself by reference some of the clauses of a former Act, the legal effect of that, as has often been held, is to write those sections into the new Act just as if they had been actually written

*in it with the pen, or printed in it, and, the moment you have those clauses in the later Act, you have no occasion to refer to the former Act at all."*

*(emphasis added)*

10. The relevant portion of celebrated work of Justice G.P. Singh on Principles of Statutory Interpretation has been quoted in paragraph 17 of the decision in the case of *C.N. Paramasivam* (supra). The paragraph 17 reads thus :-

*"17. Legislation by incorporation is a device to which legislatures often take resort for the sake of convenience. The phenomenon is widely prevalent and has been the subject-matter of judicial pronouncements by courts in this country as much as courts abroad. Justice G.P. Singh in his celebrated work on Principles of Statutory Interpretation has explained the concept in the following words :*

*"Incorporation of an earlier Act into a later Act is a legislative device adopted for the sake of convenience in order to avoid verbatim reproduction of the provisions of the earlier Act into the later. **When an earlier Act or certain of its provisions are incorporated by reference into a later Act, the provisions so incorporated become part and parcel of the later Act as if they had been 'bodily transposed into it'**. The effect of incorporation is admirably stated by Lord Esher, M.R.:*

*'...If a subsequent Act brings into itself by reference some of the clauses of a former Act, the legal effect of that, as has often been held, is to write those sections into the new Act just as if they had been actually written in it with the pen, or printed in it .....'* [Wood's Estate, *In re, ex p Works and Buildings Commissioners*, (1886) 31 Ch D 607 (CA) at p. 615]

*Even though only particular sections of an earlier Act are incorporated into later, in construing the incorporated sections it may be at times necessary and permissible to refer to other parts of the earlier statute which are not incorporated. As was stated by Lord Blackburn:*

*'When a single section of an Act of Parliament is introduced into another Act, I think it must be read in the sense which it bore in the original Act from which it was taken, and that consequently it is perfectly legitimate to refer to all the rest of that Act in order to ascertain what the section meant, though those other sections are not incorporated in the new Act.'* [Portsmouth Corpn. V. Smith, (1885) 10 AC 364 (HL) at p.371]”.

*(emphasis added)*

11. In the light of the aforesaid two decisions, sub-Section (1) of Section 21 of the Act will have to be interpreted. On plain reading of sub-Section (1) of Section 21, the provisions regarding the refund of Court fees in relation to the cases settled before the Lok Adalat under the Central Court Fees Act, have been specifically incorporated in sub-Section (1) of Section 21. The effect of such incorporation is that the provisions of Section 16 of the Central Court Fees Act stand incorporated in sub-Section (1) of Section 21 and Section 16 has now become a part of sub-Section (1) of Section 21. As pointed out earlier, Section 16 is applicable when a suit referred by the Court to one of the three modes of settlement under Section 89 of the CPC, which includes Lok Adalat, is settled. Thus, it is crystal clear that once there is a settlement of a suit before the Lok Adalat, by virtue of incorporation of the provisions of Section 16 of the Central Court Fees Act into sub-Section (1) of Section 21, the plaintiff in a suit settled before the Lok

Adalat by an Award of a Lok Adalat, will be entitled to 100% refund of Court fees.

12. At this stage, we must also make a reference to Section 43 of the State Court Fees Act, which reads thus :-

*“43. Repayment of fee in certain circumstances :- (1) When any suit in a Court [Maharashtra or any proceeding instituted by presenting a petition to a court under the Hindu Marriage Act, 1955,] is settled by agreement of parties before any evidence is recorded, or any appeal or cross-objection is settled by agreement of parties before it is called on for effective hearing by the Court, half the amount of the fee paid by the plaintiff, [petitioner appellant, or respondent on the plaint, [petition] appeal or cross-objection, as the case may be, shall be repaid to him by the Court:*

*Provided that, no such fee shall be repaid if the amount of fee paid does not exceed [twenty five rupees] or the claim for repayment is not made within one year from the date on which the Suit, [proceeding,] appeal or cross-objection was settled by agreement.*

*(2) The State Government may, from time to time, by order, provide for repayment to the plaintiffs, [petitioners] [complaints under section 138 of the Negotiable Instruments Act, 1881,] appellants or respondents of any part of the fee paid by them on plaints, [petitions] [complaints under section 138 of the Negotiable Instruments Act, 1881,] appeals or cross-objections, in suits, [complaints under section 138 of the Negotiable Instruments Act, 1881,] [proceedings] or appeals disposed of under such circumstances and subject to such conditions as may be specified in the order.”*

13. We must note that *per se* Section 43 does not deal with a suit or an appeal which is settled before the Lok Adalat and which culminates into an Award made by the Lok Adalat. Reliance was sought to be placed by the learned Government Pleader on Section 16A as amended by Maharashtra Act No.X of 2018. The said provision is applicable when the Court refers the parties to the suit to one of the three mechanisms under Section 89 of the CPC and the suit is disposed of by the Court. On conjoint reading of the provisions of Sections 19 and 20 of the said Act of 1987, a Lok Adalat organized under Section 19 is empowered to dispose of a case referred to it, when parties arrive at settlement. In such a case, an Award is made by the Lok Adalat in terms of the settlement. Section 20 contemplates that after a case is referred to the Lok Adalat by a regular Court, if the parties arrive at settlement, the case need not go back to regular Court for passing an order in terms of the settlement, but the Lok Adalat is empowered to pass an Award in terms of the settlement.

14. It will be also necessary to make a reference to the Statement of Objects and Reasons of the said Act of 1987. Clauses 1 to 3 read thus :-

“ *Article 39-A of the Constitution provides that the State shall*

secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

2. With the object of providing free legal aid, Government had by a Resolution, dated the 26<sup>th</sup> September, 1980, appointed the "Committee for Implementing Legal Aid Schemes" (CILAS) under the chairmanship of Mr. Justice P.N. Bhagwati (as he then was) to monitor, and implement legal aid programmes on a uniform basis in all the States and Union territories. CILAS evolved a model scheme for legal aid programme applicable throughout the country by which several legal aid and advice Boards have been set up in the States and Union territories. CILAS is funded wholly by grants from the Central Government. The Government is accordingly concerned with the programme of legal aid as it is the implementation of a constitutional mandate. But on a review of the working of the CILAS, certain deficiencies have come to the fore. It is, therefore, felt that it will be desirable to constitute statutory legal service authorities at the National, State and District levels so as to provide for the effective monitoring of legal aid programmes. The Bill provides for the composition of such authorities and for the funding of these authorities by means of grants from Central Government and the State Governments. Power has also been given to the National Committee and the State Committees to supervise the effective implementation of legal aid scheme.

3. For some time, now Lok Adalats are being constituted at various places in the country for the disposal, in a summary way and through the process of arbitration and settlement between the parties, of a large number of cases expeditiously and with lesser costs. The institution of Lok Adalats is at present functioning as a voluntary and conciliatory agency without any statutory backing for its decisions. It has proved to be very popular in providing for a speedier system of administration of justice. In view of its growing popularity, there has been a demand for providing a statutory backing to this institution and the awards given by Lok Adalats. It is felt that such a statutory support would not only reduce the burden of arrears of work in regular Courts, but would also take justice to the door-steps of the poor and the needy and make justice

*quicker and less expensive.”*

15. Even the preamble of the said Act of 1987 is relevant which reads thus :-

*“An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.”*

16. It is crystal clear from the preamble that the Act has been enacted *inter alia* with the object of providing for organization of Lok Adalats to secure that the operation of the legal system promotes justice on the basis of equal opportunity. On conjoint reading of objects and reasons as well as the preamble, it is apparent that the said Act of 1987 has been enacted for giving effect to the directive principles laid down in Article 39A of the Constitution of India. Perhaps, keeping in mind the objects of the said Act of 1987 that Section 16 of the Central Court Fees Act was incorporated in Section 21. The object of incorporating Section 16 of the Central Court Fees Act in Section 21 of the said Act of 1987 is to encourage the parties to settle the suits before the Lok Adalat.





17. Now, we may refer to the decision of the Division Bench of this Court in the case of *Sanjeevkumar H. Kankariya* (supra). The case before the Division Bench did not arise out of a settlement in the form of an Award by the Lok Adalat. That was a case where a suit was referred to a mediator before whom a settlement was arrived at. The terms of settlement were presented to the regular Court which passed a decree in terms of the settlement. Thus, the Division Bench was not dealing with a case to which sub-Section (1) of Section 21 of the said Act of 1987 was applicable. While dealing with the issue, incidentally the Division Bench had an occasion to interpret Section 21 of the said Act of 1987, paragraph 14 reads thus :-

*“14. In the instant matter, the award has not been passed by the Lok Adalat. Section 21 of the Legal Services Authorities Act, 1987 stipulates that every award of the Lok Adalat shall be deemed to be a decree of Civil Court or, as the case may be an order of any other Court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the Court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870. On consideration of provisions of Section 21 of the Legal Services Authorities Act, 1987, it is evident that an award of the Lok Adalat shall be deemed to be a decree of Civil Court and the matters wherein award has been passed by the Lok Adalat are governed by the provisions of Legal Services Authorities Act and as such, in such of those matters, refund of court fees shall be in accordance with the provisions of Court Fees Act, 1870. It is to be noted that in Section 21 of the Legal Services Authorities Act, 1987, provisions contained in Court Fees Act, 1870, relating to refund of court fees, are incorporated. Thus, it is a case of legislation by incorporation and by virtue of such incorporation, provisions of Court Fees*

***Act, 1870 relating to refund of court fees, are made applicable in respect of award passed by the Lok Adalat. The analogy applicable to the awards of Lok Adalat cannot be applied to the decrees passed by the Courts on the basis of settlement, even though same is reached in furtherance of a mediation taken up under Section 89 of the Code of Civil Procedure. Once it is held that provisions of Maharashtra Court Fees Act, 1959, are attracted,, it would be permissible for the State to issue notification prescribing refund of court fees in exercise of powers conferred under Section 43(2) of the Act. The notification dated 08.05.2013, thus, cannot be said to be ultra vires the powers exercisable by the State under Maharashtra Court Fees Act, 1959.”***

*(emphasis added)*

The opinion expressed by the Division Bench supports the view which we have taken.

18. For the reasons which we have recorded, we are of the view that sub-Section (1) of Section 21 is a case of legislation by incorporation. Therefore, provisions of Section 16 of the Central Court Fees Act will have to be read in into sub-Section (1) of Section 21 of the 1987 Act. To conclude, Section 16 of the Central Court Fees Act stands incorporated in sub-Section (1) of Section 21 of the said Act of 1987 and, therefore, when a civil suit is referred to a Lok Adalat which ends with an Award of the Lok Adalat, the plaintiff is entitled to 100% refund of Court fees paid in the said suit. Thus, a defendant who files a counter claim in the suit is entitled to 100% refund of the Court fees paid on a counter claim which is settled before a Lok Adalat.

Therefore, in the three cases in hand, the learned Trial Judge was not justified in calling upon the petitioner to deposit 75% of the amount of Court fees out of the refund amount paid to the petitioner. Hence, we dispose of the petitions by passing the following order :-

**ORDER**

- (i) We hold and declare that petitioners being plaintiffs in the suits settled before the Lok Adalat held under the Legal Service Authority Act, 1987 are entitled to 100% refund of Court fees. Therefore, notwithstanding objections raised during inspection or audit, the petitioners are not liable to refund any part of the amount of Court fees refund which is received by them;
- (ii) We direct the Registrar (Judicial-I) to circulate soft copies of this judgment to the learned Principal District Judges and the Principal Judges of the other Courts such as Family Courts, Motor Accident Claims Tribunal, who in turn shall forward the soft copies of this judgment to the other Judicial Officers. A soft copy of this judgment shall be forwarded to the Registrar (Inspection-I) of this Court;
- (iii) Rule is made absolute in the above terms.

(M.S. SANKLECHA, J.)

(A. S. OKA, J.)