




REFUND OF COURT FEES  
ANSWER OUTLINE



Ali Husnain Shah

## Q. Refund of court fees:

### 1. Introduction:

Section 13, 14 and 15 of court fees act 1870 prescribe the procedure of refund of court fee, the rationale behind these provisions is that the government should not take profit on the mistake of litigant.

### 2. Relevant provision:

***Section 13, 14 and 15 of court fee act 1870***

### 3. Principal behind refund:

### 4. Authority to refund:

### 5. Cases of refund of court fee:

Following are the cases of refund of court fee under the provision of court fee act 1870.

- i. **Refund of court fee on memorandum of appeal.**
- ii. **Refund on review application.**
- iii. **Refund where court modified and correct its judgement.**

### 6. Refund of court fee on memorandum of appeal:

***Under section 13:***

- I. Rejection of appeals and plaint:
  - A. Grounds of rejection:  
***Under order vii rule 11:***
- II. Suit remand in appeal:
  - A. Order xli rule 23:
- III. Refund of court fees under section 13:
- IV. Proviso of section 13:

### 7. Procedure of refund :

- I. Application in the appellate court:
- II. Duty of the court:
- III. Delay in making application:
- IV. Grant of certificate:

### 8. Refund of court fee on application of review:

***Under section 14:***

- I. On and after the 90 days of judgement:
- II. Condition for refund under section 14:
- III. Authority of refund:

9. Procedure of refund of court fee under section 14:

- I. Application by parties:
- II. Authority to give court fee back:
- III. Grant of certificate of refund:

10. Refund of court fee under section 15:

- I. Condition for return:
- II. Grant of certificate:
- III. Proviso of section 15:

11. Inherent power of the court:

12. Discretionary power of the court:

13. Factors which may be considered by the court

14. While exercising discretion:

15. Conclusion: