




Serial No. of Order	Date of Order	Orders with signature	Office Note as to action (if any) taken on order
02.	11.12.2008	<p>Present : Ms. L. Chakraborty with Ms. Manju Rai, Advocate for the Petitioners.</p> <p>Mr. S. P. Wangdi, Advocate General with Mr. Karma Thinlay, Govt. Advocate for the State – Respondent No.2.</p> <p>-----</p> <p>Heard.</p> <p>2. An amended application impleading the State as Respondent No.2 has been filed by the Petitioners. Mr. Karma Thinlay, Government Advocate who appears on behalf of the State – Respondent and who has been served with copy of the amended application raises no objection. The amendment is thus allowed and the amended application is taken on record.</p> <p>3. In the application filed by the Petitioners under the provisions of Section 6 clause (iii) of the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983 (Act No.7 of 1983) a prayer has been made for refund of court fees amounting to Rs. 19,619.00 deposited vide challan No.4650 by the Petitioners while filing RFA No.3 of 2006. The refund has been claimed on the main ground that the said appeal was remanded back by this Court vide</p>	



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		<p>order dated 25.3.2008 passed in RFA No.3 of 2006.</p> <p>4. Section 6 clause (iii) of the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983 (Act No.7 of 1983) under which refund has been claimed provides as follows:-</p> <p>"[6. No court shall refund the court fees paid in suits and appeals except on the following grounds :-</p> <p>(i) (a)</p> <p>(b)</p> <p>(iii)</p> <p>(iii) On remand in an appeal to the extent of amount paid as court fees in such appeal."</p> <p>6. In view of the above clear provision of law regarding refund of court fees on remand of an appeal, no objection is raised by the State.</p> <p>7. Accordingly, the application is allowed. The amount of Rs.19,619.00 deposited vide challan No. 4650 may be refunded to the Petitioners within one month from today.</p> <p>A copy of this order may be furnished to the Finance Department of the Government of Sikkim for information and necessary action.</p> <p> (Justice A. P. Subba) <u>Acting Chief Justice</u></p>	