

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31ST DAY OF JANUARY 2014

BEFORE

THE HON'BLE MR.JUSTICE A.S.BOPANNA

WRIT PETITION NO.51193 OF 2013 (GM-RES)

BETWEEN:

MOST REV. DR. BERNARD MORAS
S/O. LATE FRANCIS MORAS
AGED ABOUT 72 YEARS
ARCHBISHOP OF BANGALORE
HOUSE NO.25,POST BOX NO.2
MILLERS ROAD
BANGALORE-560001.

... PETITIONER

(BY SRI JAGADISH D. HIREMATH, ADV.)

AND:

THE REGISTRAR GENERAL
HIGH COURT OF KARNATAKA
BANGALORE-560001.

... RESPONDENT

(BY SRI VIJAYKUMAR A. PATIL, H.C.G.P.)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT TO REFUND THE COURT FEES FOR A SUM OF RS.1,35,872/- IN THE NAME OF ARCHBISHOP OF BANGALORE IN M.F.A. 4471/2000 WHICH WAS DISPOSED OF ON 7-2-2006 VIDE ANNEXURE-D.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court seeking for issue of mandamus to direct the respondent to refund the court fee for a sum of Rs.1,35,872/- in the name of Archbishop, Bangalore, being the refund ordered in M.F.A. No.4471/2000 disposed of on 7-2-2006.

2. At the outset, it is to be noticed that an appeal in M.F.A. No.4471/2000 was filed by the then Archbishop of Bangalore, Most. Rev. Dr. Alphonsus Mathias. Since presently, the petitioner is appointed as the Archbishop of Bangalore by the order at Annexure-A, the petitioner is prosecuting the instant petition.

3. The only issue for consideration in the instant petition with regard to the refund of the court fee which was ordered to be refunded in M.F.A. No.4471/2000. In that regard, the order at Annexure-D would indicate that this Court on 13-2-2006 had directed that the court fee

paid on the appeal be refunded to the appellant. Pursuant thereto a note has been put up, but the amount was not disbursed since on the ordered on 1-10-2010 that it would be paid only to the appellant, Most. Rev. Dr. Alphonsus Mathias. Thereafter there has been some lapse on the part of the petitioner approaching this Court. However, at this juncture, since there is no dispute with regard to the fact that the said court fee is payable by way of refund and the learned Government Advocate on instructions from the Registrar would submit that the same would be refunded, if the petitioner appears in person. The learned counsel for the petitioner submits that the petitioner would appear and receive the same. Hence, the respondent shall refund the said amount to the petitioner. As noticed, since the petitioner herein is the present Archbishop, who is the successor to the appellant in M.F.A. No.4471/2000, the refund shall be made to him.

4. Considering the time lapse, the petitioner shall furnish the indemnity bond in favour of the Registrar, High Court of Karnataka, stating therein that the amount would be re-deposited if there are any other claims or if it is found that the amount was not due to the petitioner.

In terms of the above, the petition stands ***disposed of.***

**Sd/-
JUDGE**

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