

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 15.12.2016

PRONOUNCED ON : 21.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CS.No.370 of 2009

M/s.ITC Limited, Education and Stationery
Products Business, by Chief Executive Officer
and Power of Attorney, Mr.C.S.Das
Chennai-2

Plaintiff

Vs

Vinay Kantilal Thakkar, Proprietor
Thakkar Tradelines, Kolhapur-416012

Defendant

Prayer:- This Civil Suit is filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of Original Side Rules for the reliefs as stated therein.

For Plaintiff : Mr.C.Manishanker

For Defendant : Mr.G.Karthikeyan

JUDGEMENT

This civil suit had been filed, seeking for the relief of payment of Rs.52,34,693.22/- with interest and cost against the Defendant.

2. When the suit came up before this court on 15.12.2016, the learned counsel for the Plaintiff had made an endorsement that since the suit had been settled out of court, the suit may be dismissed as withdrawn. He had also made an endorsement that the entire court fee may be refunded.

3. The learned counsel for the Plaintiff relies on an order of this court

C.V.KARTHIKEYAN, J.

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reported in **2014-66-CTC-216 (Venkatachalam and others Vs. Sengoda Gounder and others)** wherein this court, when the matter had been settled out of court, had directed refund of the full court fee even without reference to the Lok Adalat.

4. Section 69 of the Tamil Nadu Court Fees and Suits Valuation Act deals with refund of court fees when matters are settled out of court and it is stipulated that one half of the court fees paid has to be refunded after statutory deductions as per the rules as on date. The said provision has not been amended by the legislature. It is still in statutory books. Consequently, I hold that it will not be possible for this court to issue direction to the Registry to refund the entire court fees. Consequently, this civil suit is dismissed as settled out of court. Half of the court fee paid shall be refunded as per the rules. No costs.

21.12.2016

Index:Yes/No

Web:Yes/No

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To:

1. The Record Keeper, VR Section, High Court, Madras

Pre Delivery Judgement in
CS.No.370 of 2009

