

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.04.2017

CORAM:

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

A.S.No.350 of 2015

MP.No.1 of 2015

1.Marriammal
2.Christuraj
3.Anthony Ammal
4.Mary Asuntha
5.Louis Mary
6.John David
7.Kasinathan
8.Stephen
9.Prema

... Appellants

Versus

Sovurimuthu
(Deceased)

1.Johnbosco
2.Jayaraj

... Respondents

Prayer:- This Appeal Suit has been filed under Section 96 of CPC read with Order 41 Rule 1 of CPC against the judgment and decree dated 22.03.2012 made in O.S.No.50 of 2006 on the file of the Principal District Judge, Tiruvallur.

For Appellant : Mr.S.K.Udayakumar

J U D G M E N T

The learned counsel appearing for the appellant sought permission of this Court to withdraw the said appeal suit and in this regard also submitted a letter dated 18.04.2017 to the Registry.

2. Today, the matter was listed under the caption "for withdrawal". The learned counsel for the appellant submitted that the dispute among the parties was settled out of Court and they have arrived at a compromise. Hence, he sought permission

of this Court to withdraw the appeal suit filed before this Court and also prayed for refund of Court fee. An endorsement to that effect was made in the case bundle by the learned counsel for the appellant.

3. As regards to the refund of Court fee, the learned counsel for the appellant has relied on a judgment in the case of Venkatachalam and Others Vs. Sengoda Gounder and others reported in [2014 (6) CTC 216], and seeks for refund of the entire Court fee paid.

4. In view of the submission made by the learned counsel for the appellant and recording the endorsement made by him, the appeal suit is dismissed as settled out of Court and the entire court fee is directed to be refunded to the appellant. Connected MP closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Prl. District Judge,
Tiruvallur

+lcc to Mr.K. Udayakumar, Advocate, S.R.No.23876

pa (CO)
md(2/05/2017)

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