

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO*

A.S.M.P.No.17 of 2017 in A.S.No.110 of 2012
and A.S.No.110 of 2012

COMMON JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

Sri K. Narsimha Chary, learned counsel for the appellant, addressed letter dated 24.12.2016 to the Registry stating that owing to the intervention of well wishers, the parties to the appeal had settled their dispute out of Court and therefore, the appellant instructed him to withdraw the appeal and also request for refund of the Court fee.

A.S.M.P.No.17 of 2017 was filed separately seeking refund of the Court fee of Rs.41,026/- paid in this appeal.

Sri Narsimha Chary, learned counsel, placed reliance on the Division Bench judgments of this Court in Polyprint Private Limited v. Canara Bank¹ and M. Dasarath v. K. Omprakash², in support of his plea that if the appeal is dismissed as having been compromised, it would be open to the appellant to seek refund of the Court fee.

Perusal of the judgments cited reflects that the appeals were dismissed as withdrawn owing to the dispute having been compromised between the parties and applying equitable principles, this Court permitted refund of the Court fee in both the cases.

Following the aforestated principle, A.S.M.P.No.17 of 2017 is ordered directing refund of the Court fee of Rs.41,026/- paid in this appeal.

The appeal is dismissed as withdrawn.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

SANJAY KUMAR, J

U. DURGA PRASAD RAO, J

Date:04.01.2017

Note: Furnish C.C. in one week.

(B/o) GJ

¹ 1997 (4) ALD 281 (D.B.)

² 1994 (1) An.WR 109