

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.01.2019

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.549 of 2007

FE Global Electronics Pte. Ltd.,
Represented by its Power of
Attorney Holder, Mr.Atluri Divakar.
1, Kallang Section, #06-01,
Kolam Ayer Industrial Park,
Singapore - 349 276.

.. Plaintiff

Vs.

Omni Agate Systems Pvt. Ltd.,
II Floor, M.N.Complex,
99, Greams Road,
Chennai - 600 006.

.. Defendants

This Civil Suit is preferred, under Order IV Rule - 1 of O.S. Rules Read with Order VII Rule 1 of the Code of Civil Procedure, 1908, praying for;

[a] allowing the plaintiff to recover from the Defendant and from the assets and properties the aforesaid sum of USD 850,127.98 or its rupee equivalent to 3,53,56,822.70 together with future interest thereon at 6% per annum from the date of the suit till recovery of the amount in full;

[b] allowing the plaintiff to recover from the defendant all costs of this suit; and

[c] granting such other or further reliefs as this Hon'ble Court may deem fit in the interests of justice.

For Plaintiff : Mr.Abraham Markos

For Defendants : No appearance

JUDGMENT

Mr.Abraham Markos, learned counsel on record for plaintiff submits that this suit has been settled out of Court and requests that the suit may please be dismissed as settled out of court. Learned counsel has made an endorsement in the suit file, which reads as follows:

'Suit may be dismissed as settled out of Court'

2.Reiterating the aforesaid endorsement, learned counsel referring to Section 69 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) as amended by Tamil Nadu Act 6 of 2017 with effect from 01.03.2017 requested that there may be an order by this Court to refund the full amount of Court fee paid.

3. To be noted, Section 69 of aforesaid Act as amended with effect from 01.03.2017 reads as follows:

' 69.Refund on settlement before hearing._ Whenever any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of the claim, [full amount] of all fees paid in respect of the claim or claims in the suit shall be ordered by the Court to be refunded to the parties by whom the same have been respectively paid.

4. Learned counsel makes a request that the refund may please be made by way of an instrument i.e, Cheque or any other negotiable instrument drawn in the name of Mr.Abraham Markos, who is one of the counsel on record for the plaintiff. In the light of amended Section 69 of aforesaid Act, this request is accepted. In other words, refund of full Court fee is ordered. Registry to do the needful to process and refund full Court fee as per applicable rules of procedures by way of an instrument in favour of Mr.Abraham Markos.

In the light of the narrative supra, this suit is dismissed as settled out of Court. No costs.

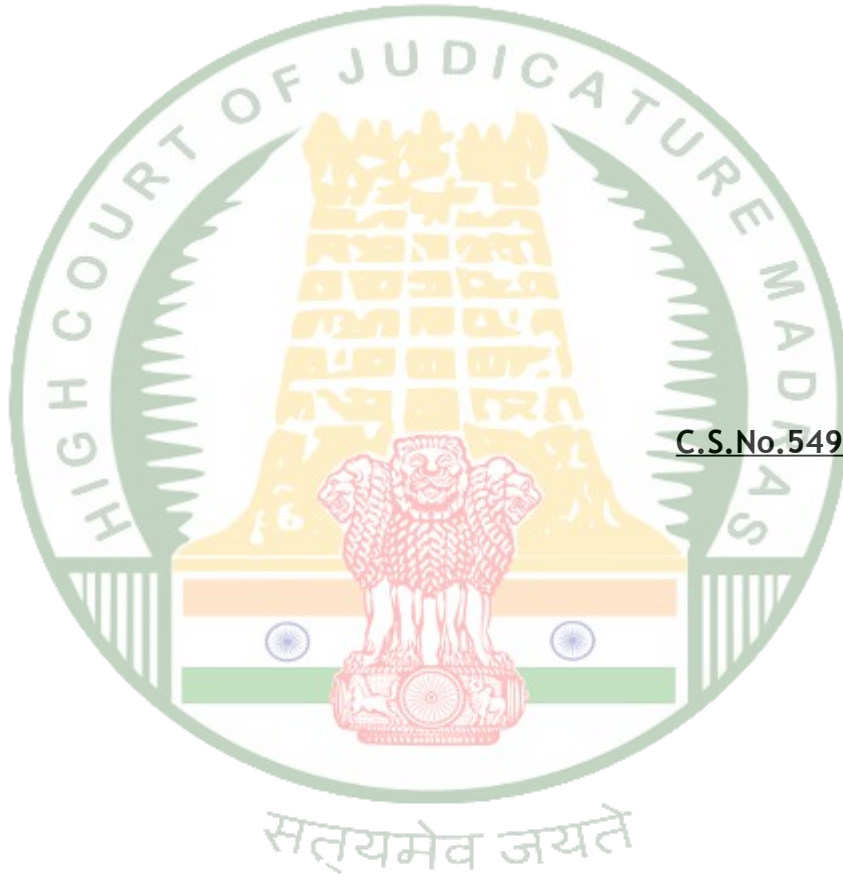
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M.SUNDAR, J.
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C.S.No.549 of 2007

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