



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Sixth day of October Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE A.A.NAKKIRAN

CMP.No.8672 of 2019

in AS.No.544 of 2017

K.KARTHIKEYAN

[PETITIONER]

Vs

P.SELVARAJ

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the registry to refund the excess court fee of Rs.74,326/- paid towards AS.No.544/2017.(in CMP.No.8672 of 2019)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.ARUL MURUGAN, Advocate for the petitioner and of MR.MISSION XEGAL, Advocate on behalf of the Respondents the court made the following order:-

This petition has been filed to direct the registry to refund the excess court fee of Rs.74,326/- paid towards this Appeal.

2. Mr.G.Arul Murugan, learned counsel for the petitioner has submitted that the court fee has been wrongly calculated at 7.5% for a sum of Rs.1,23,877/- as per the Tamil Nadu Court Fees and Suit Valuation Act, 1955. Whereas as per the Tamil Nadu Court Fees and Suit Valuation (Amendment) Act, 2017 (Act 6 of 2017), the court fee to be paid is only at the rate of 3% and the same comes to only Rs.49,551/- Hence, he seeks direction of this court to the registry to refund the excess Court fee of Rs.74,326/- paid in the appeal.

3. Heard.

4. On perusal of the records, it is found that as per the Tamil Nadu Court Fees and Suit Valuation (Amendment) Act, 2017 (Act 6 of 2017) the court fee to be paid is only at the rate of 3% with effect from 01.03.2017. But, in this appeal, excess court fee has been paid and hence, this court is inclined to direct the Registry to refund the excess amount of court fee paid towards this appeal.



5. In the result, this petition is allowed and hence, the Registry is directed to refund the excess amount of Rs.74,326/- to the petitioner within a period of one week from the date of receipt of a copy of this order.

-sd/-
26/10/2021
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE PRINCIPAL DISTRICT JUDGE,
NAMAKKAL.

C.C. to M/S.G.ARUL MURUGAN, Advocate SR.No.6108

Order
in
CMP.No.8672 of 2019

in AS.No.544 of 2017

Date :26/10/2021

From 26.2.2001 the Registry is issuing certified
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GS(29/10/2021)