

ORDER SHEET

CS 89 of 2022
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

THE PEERLESS GENERAL FINANCE AND INVESTMENT COMPANY
LIMITED

VS.

IDEAS.COM INDIA PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 8th September, 2022

Appearance

Mr. Avijit Chatterjee, Sr. Advocate, Mr. Tapan Nag
Chowdhury, Mr. A. Basu, Advocates for the plaintiff.

The Court : The suit was filed on 12th April, 2022. No application for interim relief has been made in the suit. Prior to the Writ of Summons being served on the defendant, as submitted by the plaintiff, the dispute in the suit has been settled out of Court. The plaintiff, therefore, does not wish to proceed any further with the suit. A written instruction received by the learned Advocate representing the plaintiff from his client (plaintiff) produced in Court today is retained with the records.

The plaintiff, however, wants refund of the court fees paid for instituting the above suit. The plaintiff relies upon a judgment reported in (2021) 3 SCC 560 (High Court of Judicature at Madras Vs. M. C. Subramaniam and Others) in respect of its claim for refund of the court fees. In M. C. Subramaniam (supra) the Hon'ble Supreme Court considered the provisions of 69-A of the Tamil Nadu Court Fees and Suits Valuation Act,

1955. The plaintiff says that the provisions of Section 20A of the West Bengal Court Fees Act, 1970 are *pari materia* with those of Section 69-A of the Act of 1955. In M. C. Subramaniam (supra) the Supreme Court has extended the refund of court fees even in respect of the suits which have been settled without the intervention of the Court under the provision of Section 89 of the Code of Civil Procedure, 1908.

In the aforesaid facts and circumstances, since the plaintiff does not intend to proceed any further with the suit and is also not seeking any leave to file a suit or any other proceeding on the self-same cause of action, the same reward as has been spelt out by the Supreme Court in M. C. Subramaniam (supra) suit is passed on to the plaintiff as an incentive in getting the suit settled at the earliest possible time.

The suit being CS 89 of 2022 is dismissed as withdrawn at the instance of the plaintiff.

The plaintiff shall be entitled to claim and refund of the entire court fees paid for instituting the above suit.

(ARINDAM MUKHERJEE, J.)