

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED:28.09.2022****CORAM:****THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

A.S.No.624 of 2018

A.Egambari

...Appellant/defendant

Versus

Vasudevan

...Respondent/plaintiff

Prayer: First Appeal filed under Section 96 of Civil Procedure Code, praying to set aside the judgment and decree dated 29.06.2018 made in O.S.No.195 of 2014, on the file of the III Additional Judge, City Civil Court, Chennai.

For Appellant : Mr.V.Manohar

For Respondent : Mr.C.Umashankar

JUDGMENT

Today, when the matter was taken up for consideration, both the learned counsel for the petitioner and the respondent submitted that the first appeal itself has been settled out of Court and they have also produced the Joint Compromise Memo, which was duly signed by the parties and identified by respective counsel.



2. Both the counsel made a request that there shall be a decree in terms of compromise memo. The compromise memo is received and the appeal is disposed of in terms of the compromise memo. The copy of the joint compromise memo shall form part of the decree.

3. The learned counsel for the appellant submitted that the appellant is entitled to get refund of the Court fee affixed in the memorandum of appeal.

4. In view of the law laid in *The High Court of Judicature at Madras Rep. by its Registrar General Vs. M.C.Subramaniam and Others in (2021)3SCC560*, appellant is entitled to get return of Court fee even in cases, where matter is settled out of Court.

5. Accordingly, this First Appeal is disposed of. No costs.

28.09.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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3

A.S.No.624 of 2018

To
The III Additional Judge,
City Civil Court, Chennai.

S.SOUNTHAR, J.

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4

A.S.No.624 of 2018

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28.09.2022