



A.Nos.3408 of 2022 and 2758 & 2757 of 2021

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and C.S.No.244 of 2021

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KRISHNAN RAMASAMY, J.,

This application has been filed seeking to refund of excess Court fee of Rs.5,23,143/- in C.S.No.244 of 2021 in favour of the applicants/plaintiffs.

2. This is the case of the plaintiffs that at the time of filing of the suit, the Court fee was paid at a sum of Rs.7,90,000/-. The suit was valued by the plaintiffs at a sum of Rs.2,63,33,200/-. For the said amount, the plaintiffs are liable to pay the Court fee of Rs.2,66,857/- under Section 22 of Tamil Nadu Court Fees and Suits Valuation Act. However, by inadvertent mistake and without proper calculation, they purchased the stamp papers for a sum of Rs.7,90,000/-. Subsequent to the filing of the Court fee and proper adjudication by the Registry the plaintiffs came to know that they are liable to pay a sum of Rs.2,66,857/- towards Court fee. In the plaint, the applicant has made an endorsement before numbering the plaint requesting to refund the excess Court fee of Rs.5,23,143/-. Now, subsequent to the numbering, the present application has been filed to refund the excess Court fee.

3. The learned counsel appearing for the respondents submitted that the Court may pass any order as regards the Court fee.



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4. In view of the submission made by the learned counsel for the applicants and since a sum of Rs.7,90,000/- as Court fee for the suit value of Rs.2,63,33,200/-, whereas, the actual Court fee payable is only a sum of Rs.2,66,857/-, this Court is of the considered view the applicants/plaintiffs are entitled for refund of the excess Court fee of Rs.5,23,143/-.

5. Therefore, Registry is directed to refund the excess Court fee of Rs.5,23,143/- to the applicants/plaintiffs after due verification.

6. Accordingly, this application is allowed as prayed for.

18.08.2022

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