



WEB COPY



CMP.No.13892 of 2022

in

S.A.No.87 of 2013

KRISHNAN RAMASAMY.J.,

This application has been filed to order refund of Court fee for a sum of Rs.87,472/- to the petitioner/appellant, as per Section 67(2) of the Tamilnadu Court Fees and Suit Valuation Act, 1955.

2.Heard, Mr.G.Anandakumar for Mr.K.Sasindran, learned counsel for the petitioner/appellant and Mr.R.Meenal, learned counsel for the respondent.

3.The learned counsel appearing for the petitioner/appellant would submit that this Court, by judgment dated 28.04.2022 while disposing of the Second Appeal, has remitted the matter back to the first appellate Court for fresh disposal. Therefore, the learned counsel would submit that in the event of remanding the matter to the lower appellate Court for fresh disposal, as per Section 67(2) of the Tamil Nadu Court Fees and Suit Valuation Act, 1955, the petitioner/appellant is entitled to the refund of the full Court fee.



WEB COPY

4. The learned counsel for the respondents would submit that he has received typed set of papers and on going through the judgment passed by this Court, he conceded that the matter has been remitted back for fresh disposal and hence, he submitted that this matter may be considered accordingly.

5. Section 67(2) of the Tamilnadu Court Fees and Suit Valuation Act, 1955 reads as under:

“67. Refund in cases of remand:

(1) ... ..

(2) Where an appeal is remanded in Second Appeal or Letters Patent Appeal for a fresh decision by the lower appellate Court, the High Court remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of Second Appeal if the remand is in Second Appeal, and of the full amount of fee paid on the memorandum of Second Appeal and the Memorandum of Letters Patent Appeal if the remand is in Letters Patent Appeal”

6. A perusal of the above, it is clear that the above provision provides refund of full amount of Court fee in the event of the matter is remanded to



WEB COPY

lower appellate Court for a fresh decision. In the present case, admittedly, the matter has been remitted back to the lower appellate Court for fresh disposal. Therefore, this Court is of the view that the petitioner/appellant is entitled for refund of Court fee.

7. Accordingly, this petition is ordered. Registry is directed to refund the full amount of Court fee to the appellant/petitioner as per Section 67(2) of the Tamilnadu Court Fees and Suit Valuation Act, 1955.

14.11.2022

dn



WEB COPY



KRISHNAN RAMASAMY.J.,

dn

CMP.No.13892 of 2022

14.11.2022