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A.S.(MD)No.58 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S(MD)No.58 of 2014

and

M.P(MD)No.1 of 2014

1.M.Shamsudeen

2.S.G.Sivalingam

... Appellants/Plaintiffs

Vs.

S.Ramesh

...Respondent/Defendant

PRAYER: Appeal Suit filed under Order 41 Rule 1 and Under Section 96 of C.P.C., against the decree and judgment passed in O.S.No.131 of 2012 dated 21.12.2014 by the learned I Additional District Judge (PCR) Tiruchirapalli.

For Appellants : Mr.M.Subash Babu

For Respondent : M/s.T.Banumathi

JUDGMENT

[Judgement of the Court was delivered by **R.SUBRAMANIAN, J.**]

Mr.M.Subash Babu, learned counsel appearing for the appellants made a submission that the appeal itself has been settled out of Court. Hence, this appeal is dismissed as settled out of Court.

2.The learned counsel for the appellants prays for refund of Court fee relying upon the judgment of the Hon'ble Supreme Court in the case of ***The High Court of Judicature at Madras, rep., by its Registrar General -vs- M.C.Subramaniam & others.,*** reported in **2021 CDJ SC 130.**

3.In view of the judgment of the Hon'ble Supreme Court, the appellants are entitled to get refund of the entire Court Fee. Registry is directed to refund the entire Court Fee paid in the appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The I Additional District Judge (PCR)
Tiruchirapalli.

Copy to:

The Sub Assistant Registrar(CO Section),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-6975[F] dated 18/02/2022)

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MGJ(02.03.2022) 2P 4C