



Appeal(CAD) No.3 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

Appeal(CAD) No.3 of 2023

C.Kumar

... Appellant

versus

M/s.Jayalakshmi Weaving Mill
(India) Private Ltd.,
Represented by its Director,
Mr.Manoj Kumar,
Door No.29, Devendrapuram,
First Cross Street, Salem-636 001.

... Respondent

PRAYER: Appeal filed under Section 96 of CPC read with Order 41 & 41A of CPC, to set aside the decree and judgment dated 18.11.2022 in Commercial Original Suit No.6 of 2022 on the file of Learned District Judge, Commercial Court, Salem and dismiss the suit with cost thereby allow this appeal.

For the Petitioners :Mr.N.Poovanalingam

For the Respondent :No appearance



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Judgment

WEB COPY

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

Mr.Vinod, learned counsel representing the counsel on record for the appellant, on instructions, submits that the appellant seeks to withdraw the appeal, since the matter has been settled between the parties out of Court. He further submitted that since the matter has already been settled out of Court, half of court fee paid by the appellant may be refunded to the appellant in view of Section 69 of Tamil Nadu Court-fees and Suits Valuation Act, 1955. Learned Counsel on record has made an endorsement to that effect in the appeal papers.

2. Considering the decision of the Hon'ble Supreme Court in the case of *The High Court of Judicature at Madras Represented by its Registrar General v M.C.Subramaniam in SLP Nos.3063 -3064/2021 (Diary No.3869 of 2021)* and Section 69 of Tamil Nadu Court-fees and Suits Valuation Act, 1955, the appellant is entitled for the half court fee paid.



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3. In view of the above, the Appeal stands dismissed as withdrawn.

Registry is directed to refund half of the court fee to the appellant. There will be no order as to costs.

[D.K.K., J.] [P.D.B., J.]
06.11.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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(mrn)

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