



CS.No.170 of 2008

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED : 14.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CS.No.170 of 2008**

N.Srikrishna @ Saikrishna

... Plaintiff

Vs.

1.M/s.Kosmic Film Entertainment Company  
Private Limited,  
Represented by its Director  
Having registered office at  
No.33, Shaffe Mohammed Road  
Rutland Towers 4<sup>th</sup> Floor  
Chennai 600 006.

2.Global Arkitekts  
Represented by its Director  
Having registered office at  
No.33, Shaffe Mohammed Road  
Rutland Towers, 4<sup>th</sup> Floor  
Chennai 600 006.

3. Dhamodharan  
4.N.K.V.Krishna  
5.K.Preetha



CS.No.170 of 2008

6.M/s.Golden Shelters Private Limited

Represented by its Director

Having registered office at

No.33, Shaffe Mohammed Road

Rutland Towers, 4<sup>th</sup> Floor

Chennai 600 006.

7.M/s.Rising Solutions Private Limited

Represented by its Director

Having registered office at

No.33, Shaffe Mohammed Road

Rutland Towers, 3<sup>rd</sup> Floor

Chennai 600 006.

... Defendants

**Prayer:** This Civil Suit is filed under Order IV Rule 1 of Original Side Rules Read with Order VII Rule 1 of Civil Procedure Code, praying to pass the judgment and decree:-

a) to pay a sum of Rs.2,42,85,000/- (Rupees Two Crores Forty Two Lakhs Fifty Thousand Only) to the plaintiff, with interest @ 24% per annum from the date of plaint till the date of realisation,

b) For a decree of mandatory injunction directing the defendants to handover all the documents relating to plaintiff's own company i.e., M/s.Enmasse Consultancies Private Limited, and other belongings, which were required by the defendants to be kept at the godown of the kosmic group of companies, at the time of joining M/s.Kosmic Studios Private Limited and

c) decree for costs.



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CS.No.170 of 2008

For Plaintiff : Mr.R.S.Raveendharan  
For Respondents : Ms.A.Madhumathi  
for D1,D2, D3 D6 & D7  
Mr.Christhraj for D4 & D5

### **ORDER**

The learned counsel for the plaintiff made endorsement seeking leave of the Court to withdraw the suit as the disputes between the parties have settled out of the Court.

2. In view of the same, leave is granted and the suit is dismissed as withdrawn.

3. As per the law laid down by the Hon'ble Apex Court in ***High Court of Judicature at Madras vs. M.C.Subramaniam and others reported in (2021) 3 SCC 560***, even in case the matter is settled out of Court by parties, they are entitled to get refund of the Court fee. In the said decision, the Hon'ble Apex Court said that parties who have agreed to settle their dispute without judicial intervention are entitled to get refund of the Court fee. The relevant observation of the Hon'ble Apex Court is as follows:



CS.No.170 of 2008

WEB COPY

*“23. We find ourselves in agreement with the approach taken by the High Courts in the decisions stated supra. The purpose of Section 69-A is to reward parties who chosen to withdraw their litigations in favour of more conciliatory dispute settlement mechanisms, thus saving the time and resources of the Court, by enabling them to claim refund of the Court fees deposited by them. Such refund of Court, though it may not be connected to the substance of the dispute between the parties, is certainly an ancillary economic incentive for pushing them towards exploring alternative methods of dispute settlement. As the Karnataka High Court has rightly observed in Kamalamma the parties who have agreed to settled their disputes without requiring judicial intervention under Section 89 CPC are even more deserving of this benefit. This is because by choosing to resolve their claims themselves, they have saved the state of the logistical hassle of arranging for a third-party institution to settle the dispute. Though arbitration and mediation are certainly salutary dispute resolution mechanisms, we also find*



CS.No.170 of 2008

WEB COPY

*that the importance of private amicable negotiation between the parties cannot be understated. In our view, there is no justifiable reason why Section 69-A should only incentivise the methods of out-of-Court settlement stated in Section 89 CPC and afford step-brotherly treatment to other methods availed by the parties.*

”

4. In view of the law laid down by the Hon'ble Apex Court in the above said decision, the plaintiff is entitled to get the refund of the Court fee affixed by him in the plaint.

5. Accordingly, the suit is dismissed as withdrawn. No costs.

**14.03.2023**

Index : Yes / No  
Internet : Yes / No  
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CS.No.170 of 2008

**S.SOUNTHAR, J.**  
Dna

**CS.No.170 of 2008**

**14.03.2023**



WEB COPY



CS.No.170 of 2008



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CS.No.170 of 2008



WEB COPY



CS.No.170 of 2008