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O.S.A.Nos.146 to 149 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

O.S.A.Nos.146 to 149 of 2020
and
C.M.P.Nos.6988, 6989, 6990, 6991,
6996 to 6999 of 2020

O.S.A.No.146 of 2020

Kottapadi Jayaram

...Appellant

Vs

1.Bosco Prabhu

2.P.S.Mithran

3.South Indian Film Writers Association
Rep.by its President Shri. K.Bhagyaraj
L-33, Flat – 1, 2nd Floor, LIG,
Bharathidasan Colony,
K.K.Nagar, Chennai – 600 078.

... Respondents

PRAYER: Original Side Appeal filed under Order XXXVI Rule 1 of Civil Procedure Code read with Clause 15 of Letters Patent to set aside the



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common fair and decreetal order dated 10.03.2020 made in A.No.277 of 2020 in C.S.No.724 of 2019 on the file of this Court.

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For Appellant : Mr.S.Karthikei Balan.

For Respondents : Mr.M.Sunilkumar for R1.

Mr.T.Mohan for R2.

O.S.A.No.147 of 2020

Kottapadi Jayaram

...Appellant

Vs

1.Bosco Prabhu

2.P.S.Mithran

3.South Indian Film Writers Association

Rep.by its President Shri. K.Bhagyaraj

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... Respondents

PRAYER: Original Side Appeal filed under Order XXXVI Rule 1 of Civil Procedure Code read with Clause 15 of Letters Patent to set aside the common fair and decreetal order dated 10.03.2020 made in O.A.No.35 of 2020 in C.S.No.724 of 2019 on the file of this Court.



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For Appellant : Mr.S.Karthikei Balan.

For Respondents : Mr.M.Sunilkumar for R1.

Mr.T.Mohan for R2.

O.S.A.No.148 of 2020

P.S.Mithran

...Appellant

Vs.

1.Bosco Prabhu

2.Kottapadi Jayaram

3.South Indian Film Writers Association

Rep.by its President Shri. K.Bhagyaraj

L-33, Flat – 1, 2nd Floor, LIG,

Bharathidasan Colony,

K.K.Nagar, Chennai – 600 078.

... Respondents

PRAYER: Original Side Appeal filed under Order XXXVI Rule 9 of Madras High Court Original Side Rules read with Clause 15 of Letters Patent to set aside the common fair and decretal order dated 10.03.2020 made in O.A.No.35 of 2020 in C.S.No.724 of 2019 on the file of this Court and allow the appeal.

For Appellant : Mr.T.Mohan for Ms.Nivedita S.Menon.

For Respondents : Mr.M.Sunilkumar for R1.



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Mr.S.Karthigei Balan for R2.

O.S.A.No.149 of 2020

P.S.Mithran

...Appellant.

Vs.

1.Bosco Prabhu

2.Kottapadi Jayaram

3.South Indian Film Writers Association

Rep.by its President Shri. K.Bhagyaraj

L-33, Flat – 1, 2nd Floor, LIG,

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... Respondents

PRAYER: Original Side Appeal filed under Order XXXVI Rule 9 of Madras High Court Original Side Rules read with Clause 15 of Letters Patent to set aside the common fair and decretal order dated 10.03.2020 made in Appln.No.277 of 2020 in C.S.No.724 of 2019 on the file of this Court and allow the appeal.

For Appellant : Mr.T.Mohan for Ms.Nivedita S.Menon.

For Respondents : Mr.M.Sunilkumar for R1.

Mr.S.Karthigei Balan for R2.

COMMON JUDGMENT

[Judgment of the Court was made by R.MAHADEVAN,J,]



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These Original Side Appeals have been filed to set aside the common fair and decretal order dated 10.03.2020 passed in O.A.No.35 of 2020 and Application No.277 of 2020 in C.S.No.724 of 2019 on the file of this Court.

2. When these Original Side Appeals were taken up for hearing, the learned counsel appearing for both sides submitted that the dispute between the parties has been settled out of Court and hence, the main Suit in C.S.No.724 of 2019 itself has been dismissed as withdrawn and produced a copy of the Judgment dated 30.06.2021 to that effect. The relevant portions are extracted hereunder;

“3.Adverting to paragraph 2 of the aforementioned affidavit, learned counsel for first defendant submitted that the settlement referred to therein is between the plaintiff and second defendant.

4.Responding to this, learned counsel for plaintiff submitted that the amicable out of Court settlement arrived at is between the plaintiff and second defendant, however



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the plaintiff has no claim whatsoever against all the three defendants post such settlement with the second defendant. This submission is recorded.

7. Therefore, there is no difficulty in acceding to the prayer of the plaintiff for refund of full Court fee paid subject to standard statutory deductions, if any. Refund of Court fee to the plaintiff by the Registry shall be by way of an instrument drawn in favour of the plaintiff. To be noted, this is as requested by learned counsel for plaintiff who submits that he will forthwith commence and comply with procedure formalities in this regard i.e., refund of court fees. This refund process shall be completed expeditiously by the Registry and in any case within eight weeks from today i.e., on or before 25.08.2021.

Captioned suit, captioned application and all other applications (if any) are dismissed as withdrawn as settled out of Court recording the above stated position of parties and with the aforementioned direction regarding refund of



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Court fee. There shall be no order as to costs."

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In view of the above, the learned counsel for both parties submitted that nothing survives for further adjudication herein.

3.Recording the above submissions, these Original Side Appeals are closed. No costs. Consequently, all the connected Miscellaneous Petitions are also closed.

(R.M.D.,J.) (J.S.N.P.,J.)

04.01.2023

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Index:Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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J.SATHYA NARAYANA PRASAD,J.**

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