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C.M.P. No. 7944 of 2023
in A.S.SR.No.6826 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to refund of court fees paid on the appeal grounds.

2. Mr.G.Appavoo, learned counsel for appellant submitted that he referred an appeal against the decree passed in O.S.No. 46 of 2019 on the file of District Judge, Kancheepuram, in which, there is a delay of 1781 days in filing the appeal. Hence, he filed a petition in C.M.P.No.2179 of 2023 to condone the delay. On hearing the submissions of learned counsel for petitioner, this court was not inclined to condone the delay and accordingly, the petition was dismissed and consequently, the appeal was rejected even without numbering. Now, he relied on the provision of Sec.66(2) of Tamil Nadu Court Fees and Suit Valuation Act, 1955, which reads as follows :-

“Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.”

By relying the above said provision, he prayed to refund one-half of the



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court fee of Rs.63,415/-, since the appeal was rejected even without numbering.

3. Considering the facts and circumstances and also considering the reasons assigned by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition. As the appeal was rejected even without numbering, Registry is directed to refund the court fee of Rs.63,415/- (Rupees sixty three thousand four hundred fifteen only) to the appellant.

26.06.2023

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