



WEB COPY



O.S.A.(CAD) No.142 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL

O.S.A.(CAD) No.142 of 2021
and CMP.No.20719 of 2021

M/s.Hindustan Unilever Limited,
Unilever House,
B.D.Sawant Marg,
Chakala, Andheri East,
Mumbai 400 099.

...appellant

Vs.

N.Balasubramanian
...respondent

Prayer: Original Side Appeal filed under Section 37(2) of the Arbitration & Conciliation Act, 1996 r/w clause 15 of the Letter Patent against the order dated 07.10.2021 passed in OP.No.554 of 2016 by a learned Single Judge of this Court.

For Appellant : Mr.Sanjay Mohan
for M/s.S.Ramasubramaniam and Associates

For Respondent : Mr.B.Harikrishnan



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J U D G M E N T

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J]

The learned counsel appearing for the parties would submit that the dispute between the parties have been settled outside the Court and they have entered into a memorandum of compromise, dated 20.12.2023 signed by both the parties and their respective counsel.

2. In view of the above settlement, the learned counsel for the appellant seeks permission of this Court to withdraw the appeal and he has also made an endorsement to that effect.

3. In light of the decision of the Hon'ble Supreme Court in ***Special Leave Petition (Civil) No. 3063 to 3064 of 2021, dated 17.02.2021 in the case of Registrar General, High Court of Judicature, Madras Vs.M.C. Subramanian & Others***, the appellant herein is entitled for withdrawal of the the court fee paid by them. The relevant portion is extracted below:

"21. Thus, in our view, the High Court was correct in holding that Section 89 of the CPC and Section 69-A of the 1955 Act be



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interpreted liberally. In view of this broad purposive construction, we affirm the High Court's conclusion, and hold that Section 89 of CPC shall cover, and the benefit of Section 69-A of the 1955 Act shall also extend to, all methods of out-of-court dispute settlement between parties that the Court subsequently finds to have been legally arrived at. This would, thus, cover the present controversy, wherein a private settlement was arrived at, and a memo to withdraw the appeal was filed before the High Court. In such a case as well, the appellant i.e., Respondent No.1 herein would be entitled to refund of court fee."

4. In view of the above, this appeal is dismissed as withdrawn.

No costs. Consequently, connected miscellaneous petition is closed.

5. Registry is directed to refund the Court fee to the appellant as per law.

[D.K.K., J] [P.D.B., J]
21.12.2023

Index : Yes / No
Speaking order: Yes/No
pvs



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