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Arb Appln.Nos.320 to 322 of 2022

Arb Appln.Nos.320 to 322 of 2022
in O.A.Nos.591 to 593 of 2021

KRISHNAN RAMASAMY, J.,

These applications were filed to refund the excess the Court fee of Rs.99,800/- paid by the applicant in the applications in O.A.Nos.591 to 593 of 2021.

2. The learned counsel for the applicant would submit that she had initially paid a sum of Rs.200/- each, for the aforesaid applications under the provisions of Tamil Nadu Court Fees and Suit Valuations Act, 1955. Thereafter, this Court vide order dated 12.09.2022, directed the applicant to pay the deficit Court fee of a sum of Rs.99,800/- in each of the three applications and pursuant to the said order, the applicant undertook to pay the same within a week and further they seeks the leave of this Court to withdraw the Court Fee of Rs.99,800/-, if the Hon'ble Division Bench confirms the Court fee as Rs.200/-.



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3. The learned counsel for the applicant would further submit that subsequently, on 12.09.2022, the Division Bench of this Court had held that minimum a sum of Rs.200/- is liable to pay by the applicant for an application, which is filed under Section 9 of the Arbitration and Conciliation Act, 1996.

4. A submission was made by the learned counsel appearing on behalf of the respondent that in the present case, the value has been mentioned in the affidavit as Rs.6,30,00,000/- in each application. Therefore, maximum amount of Court fee for a sum of Rs.1,00,000/- has to be paid. Hence, he request this Court that no refund can be allowed in these applications.

5. In reply, the learned counsel appearing for the applicant would submit that the prayer in the application is incapable of valuation irrespective of the value mentioned in the affidavit with regard to the



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value of the dispute. Further she would submit that the submission of the learned counsel for the respondent would apply if the petition is for a money decree. However, in the present application, the prayer is incapable of valuation, in which case, the maximum Court fee is a sum of Rs.200/- and the same is paid by the applicant in each petitions.

5. Heard the learned counsel appearing for the applicant, respondent and perused the materials available on records.

7. On considering the above submissions, this Court is of the considered view that the prayer is incapable of valuation and maximum Court fee payable is a sum of Rs.200/-. In the present case, a sum of Rs.99,800/- has been additionally paid in each applications.

8. In view of the above discussions and the order passed by the Division Bench of this Court dated 12.09.2022, this Court is inclined to allow these applications.



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6. Accordingly, these applications are allowed.

7. The Registry is directed to refund the Court fee paid in all these three applications for a sum of Rs.99,800/- each (totally a sum of Rs.2,99,400/-) to the applicant.

17.04.2023

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