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CMP No.20672 of 2022 in
CMA SR No.83320 of 2017

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CMA SR No.83320 of 2017

D.KRISHNAKUMAR, J.

AND

K.GOVINDARAJAN THILAKAVADI, J.

(Order of this Court was made by D.KRISHNAKUMAR, J.)

This Petition has been filed under Section 66 of the Tamil Nadu Court Fees and Suit Valuation Act, 1955 r/w Rule 24 of the Tamil Nadu Motor Vehicles Accident Claims Tribunal Rules, 1989, to refund the Court Fee of Rs.40,753/-, paid in CMA SR No.83320 of 2017.

2. The petitioner herein is the claimant in MCOP No.210 of 2010 on the file of the Motor Accident Claim Tribunal, District Court, Karaikal and he filed the above said claim petition, claiming a sum of Rs.45,00,000/- as compensation for the injuries sustained by him in a road accident that took place on 09.12.2009. The Tribunal awarded a sum of Rs.3,62,000/- as compensation to the petitioner and not satisfied with the above award, he filed the appeal in CMA SR No.83320 of 2017 before this Court, seeking enhancement of compensation. Along with the appeal, the petitioner



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filed a petition in CMP No.7545 of 2022 to condone the delay of 3093 days in filing the appeal. The above said petition was dismissed by this Court, vide order dated 13.07.2022 and consequently, CMA SR No.83320 of 2017 was rejected at the SR stage itself. Therefore, the petitioner filed the instant petition to refund the court fee of Rs.40,753/- paid by him in the appeal.

3. The learned counsel for the petitioner submitted that, the petitioner paid a sum of Rs.40,753/- on the Memorandum of Appeal, and since the appeal was rejected at the SR stage itself on the ground of delay, the amount of Court fee paid by him may be refunded to him, as per the provisions of law.

4. We heard the learned counsel for the petitioner and perused the materials on record.

5. Admittedly, the Memorandum of Appeal filed by the petitioner in CMA SR No.83320 of 2017 was rejected at the SR stage itself, consequent to the dismissal of the petition to condone the inordinate delay of 3093 days in filing the appeal.



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6. At this juncture, it is worthwhile to extract Section 66 (2) of the Tamil Nadu Court Fees and Suits Valuation Act, 1955, which reads as follows.

" 66 (1). Refund in cases of delay in presentation of plaint, etc.

66(2) 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."

Therefore, in the light of the above said provision, the appellant is entitled to get one-half of the amount of court fee paid by him in the afore said appeal.

7. Accordingly, the Registry is directed to refund one-half of the amount of court fee paid by him on the Memorandum of Appeal, within four weeks from the date of receipt of the copy of this order.

(D.K.K., J.) (K.G.T.,J.)

23.03.2023

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