



A.S.No.288 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

A.S.No.288 of 2023

R.Dhandapani

... Appellant

Vs.

1. C.Pappammal

2. V.Sri Sumathi

3. Minor V.Prithiv

4. Minor V.Prithivee

5. B.Pannerselvam

... Respondents

PRAYER: Appeal Suit filed under Section 96 of C.P.C., pleased to set aside the Judgement and Decree of the learned Principal District Judge, Tiruppur, made in O.S.No.446 of 2019 dated 25.10.2021 and allow the appeal.

For Appellant : Mr.R.Dhandapani

For Respondents : No Appearance



A.S.No.288 of 2023

WEB COPY

JUDGMENT

Learned counsel appearing for the appellant submitted that the matter has been settled between the parties, thereby, he seeks permission of this Court to withdraw this appeal suit and he has also filed a withdrawal letter dated 22.08.2023 to that effect. He further submitted that he may be permitted to get a refund of Court fee in accordance with Section 69-A of the Tamil Nadu Court Fees and Suit Valuation Act, 1955.

2. In support of his contention, the learned counsel for the appellant relied on the judgment passed by the Hon'ble Apex Court in the case of ***"The High Court of Judicature at Madras Rep. by its Registrar General Vs. M.C.Subramnainam & ors in Special Leave Petition(Civil) Nos. 3063-3064 of 2021"*** and the relevant portion is extracted hereunder:-

"7. In addressing the question of whether the refund of court fee was permissible under the relevant rules, the High Court considered Section 69-A of the Tamil Nadu Court Fees and Suit Valuation Act, 1955 (hereinafter, '1955 Act'), which reads as follows:



A.S.No.288 of 2023

"69-A. Refund on settlement of disputes

under section 89 of the Code of Civil Procedure. -

Where the Court refers the parties to the suit to any of the modes of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (Central Act V of 1908), the fee paid shall be refunded upon such reference. Such refund need not await for settlement of the dispute." (emphasis supplied)"

3. In view of the submission made by the learned counsel appearing for the appellant and the letter filed by him, this Appeal Suit stands dismissed as withdrawn. However, as per the Judgment passed by the Hon'ble Apex Court in *Special Leave Petition(Civil) Nos. 3063-3064 of 2021*, the appellant is entitled to a refund of the Court fee as per the entitlement. No costs.

25.08.2023

ham/dpa

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

To

1. The Principal District Judge, Tiruppur.

2. The Section Officer, VR Section, High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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A.S.No.288 of 2023

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A.S.No.288 of 2023

25.08.2023