



Appeal(CAD) No.3 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

Appeal (CAD) No. 3 of 2024

and

C.M.P.No.2828 of 2024 in Appeal (CAD) No. 3 of 2024

M/s.Mayura Radios

A Proprietary Concern rep. By its Proprietor

Mr.Jayakumar

having office at

No.584-587, Trichy Road,

Singanallur, Coimbatore – 641 005.

.. Appellant

Vs

M/s.Cheenu Enterprises

A registered Partnership Concern

rep. By its Partner M.Chaitanya Keerthy

having office at

No.252B, Mariamman Kovil Street,

Peelamedu Pudur,

Coimbatore – 641 004.

.. Respondent

Appeal filed under Section 96 r/w Order XLI Rule 1 of Civil Procedure Code, 1908 r/w Section 13 (1A) of The Commercial Courts Act, 2015 and Amendment Act, 2018 against the decree and judgment in C.O.S. No.17 of 2023 dated 07.11.2023 passed by the learned Judge, Commercial Court (District Judge Cadre), Coimbatore.

For Appellant : Mr.R.John Alexander

For Respondent : Mr.R.Prabakar



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JUDGMENT

(Judgment of the Court was delivered by **M.Sundar, J.**)

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Captioned matter is listed under the cause list caption 'MEMO OF COMPROMISE'.

2. Mr.R.John Alexander, learned counsel on record for appellant/defendant and Mr.R.Prabakar, learned counsel on record for respondent/plaintiff are before this Court.

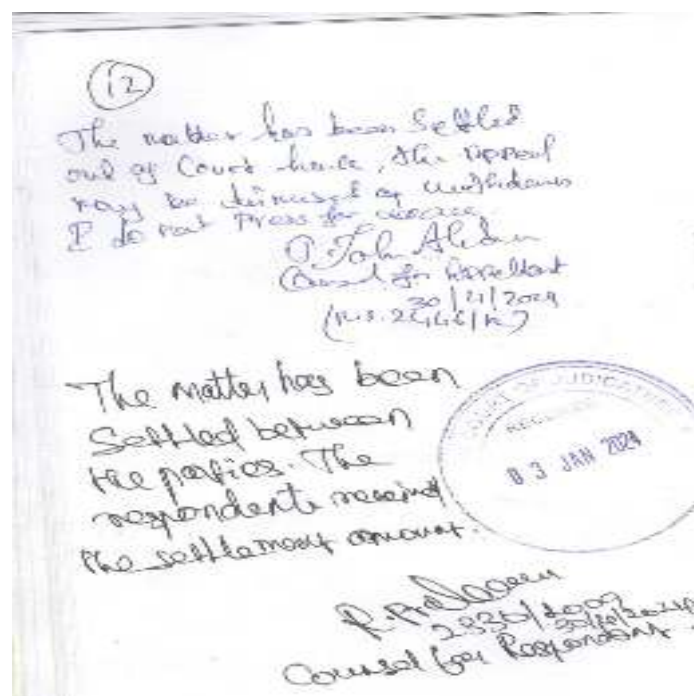
3. Both the aforementioned learned counsel submitted in unison in one voice that the captioned matter has been settled out of Court as between the parties and the settlement amount has also been duly transferred, saying so, both learned counsel requested that a closure can be given to the captioned matter as it is settled out of Court.

4. Be that as it may, Mr.R.John Alexander, learned counsel for appellant adverting to Section 69-A of 'Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955)' (hereinafter 'TN Court Fees Act' for the sake of brevity) and judgment of Hon'ble Supreme Court in **M.C.Subramaniam's** case (***The High Court of Judicature at Madras rep. By its Registrar***



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General Vs. M.C.Subramaniam and Others) being order dated 17.02.2021 made in S.L.P. (Civil) Nos.3063-3064 of 2021 (Diary No.3869-2021) requested for refund of court fee paid on captioned appeal i.e., Appeal (CAD) No.3 of 2024. Request for refund of court fee acceded to. Learned counsel on both sides made endorsements in the case file and scanned reproduction of the same are as follows:



5. Registry to process refund of court fee subject to prevailing Rules and procedure subject to counsel on record for appellant completing the formalities and further subject to standard statutory deductions if any. This process shall be completed by the



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Registry as expeditiously as possible and in any event by 28.06.2024. Learned counsel on record for appellant shall do all that is necessary and extend co-operation to the Registry for processing refund. Refund shall be by way of an instrument drawn in favour of the litigant concerned.

6. Captioned appeal and captioned Civil Miscellaneous Petition thereat are disposed of as closed/withdrawn on account of settlement out of Court. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
30.04.2024

Index:Yes/No
Neutral Citation: Yes/No
mmi

To

The Judge,
Commercial Court (District Judge Cadre),
Coimbatore.



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**M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,
mmi**

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