



C.M.P.No.9208 of 2024

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in
Appeal(CAD)SR.No.16081 of 2023
(Filing Number)

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

(Order of the Court was made by M.SUNDAR, J.)

Captioned 'Civil Miscellaneous Petition' [hereinafter 'CMP' for the sake of convenience, clarity and brevity] has been filed with a prayer to remit a sum of Rs.3,97,640/- towards what according to petitioner is deficit Court fee with 360 days delay qua captioned Appeal(CAD)SR.No.16081 of 2023.

2. Mr.V.G.Suresh Kumar, learned counsel on record for petitioner submits that change in interest percentage post decree has necessitated the captioned CMP.

3. Taking into account the facts and circumstances of the case, nature of the matter and manner in which parties are circumstanced, we deem it appropriate to accede to the prayer albeit with a clear rider that



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all rights and contentions of two respondents in the captioned appeal are preserved for raising the question of limitation if the same arises, if so desired and if so advised. This preservation of rights is owing to obtaining legal position that presentation with deficit Court fee does not arrest limitation.

Captioned CMP allowed / ordered as prayed for albeit with preservation of rights of respondents in the aforesaid manner. There shall be no order as to costs.

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

29.04.2024

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