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*Appeal(CAD)No.26 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

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

and

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

**THILAKAVADI**

Appeal(CAD)No.26 of 2024

and

C.M.P.Nos.14231 & 14233 of 2024

in

Appeal(CAD)No.26 of 2024

M/s.Skale Fitness Unlimited  
Proprietor of M/s.P.S.Annapoorani  
No.14/41, Jawahar Nagar, 1st Main Road  
Chennai-600 082.

... Appellant

Vs.

Mr.G.Balasubramani  
S/o.Loganathan

.. Respondent

Original Side Appeal filed under Section 13(1) of the Commercial Courts Act, 2015, praying to set aside the judgment and decree dated 21.11.2023 in C.O.S.No.104 of 2023 passed by the Commercial Court, Chennai.

For Appellant : Mr.B.Bala Murugan

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## **JUDGMENT**

**[Judgment of the Court was made by M.SUNDAR, J.,]**

Mr.B.Bala Murugan, learned counsel on record for appellant submits that the captioned appeal has been settled out of Court and he has instructions from appellant to withdraw the captioned appeal. Saying so, learned counsel has made endorsements in the case file and scanned reproduction of the same are as follows:

**Endorsement in Appeal(CAD)No.26 of 2024:**

Appeal:  
As (CAD) 26/2024.  
The Appellant & family  
is withdrawn in the  
As Number and Court  
Fee also returned.  
3/10/24 m/s/o  
3522/4  
Counsel for Appellant  
[M. Bala Murugan]



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**Endorsement in C.M.P.No.14231 of 2024:**

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C.M.P.No 14231/24  
in  
Appeal (CAD)  
dt: 24.  
The Petitioner / Appellant  
presented to withdraw  
in the above case.  
R. King  
24/02/24  
M. No 3229/24  
Court of Justice /  
Appellate

**Endorsement in C.M.P.No.14233 of 2024:**

C.M.P.No 14233 of 24  
in  
App/CAD 26/24  
The Petitioner / Appellant presented  
to withdraw in the  
above case.  
R. King  
M. No 3229/24  
24/02/24  
Court of Justice /  
Appellate  
R. King 24/02/24

2. Learned counsel for appellant requests for refund of Court fee.

3. In the light of Sections 69 and 69-A of 'Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955)' (hereinafter

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'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 General Vs. M.C.Subramaniam and Others reported in (2021) 3 SCC 560*} refund of Court fee as per the obtaining procedure is ordered. Refund of Court fee shall be by way of an instrument drawn in favour of appellant. Refund proceedings shall be completed by Registry within six weeks from today i.e., by 14.11.2024 subject only to Statutory deductions, if any and learned counsel for appellant adhering to all the procedural requirements.

4. Captioned Appeal and captioned Civil Miscellaneous Petitions are disposed of as closed / withdrawn. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

mk

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The Sub-Assistant Registrar  
Original Side  
High Court, Madras.

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

*mk*

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