



Appeal (CAD) No.23 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN**
THILAKAVADI

Appeal (CAD) No.23 of 2024
and
C.M.P.No.13730 of 2024
in
Appeal (CAD) No.23 of 2024

1.M/s.Duo Plus Marketing,
Rep by its Proprietor,
R.R.Vijayalakshmi,
D.No.2/550/23, Ambigai Nagar,
1st Street, Goamthipuram, Madurai-625020.

2.R.R.Vijayalakshmi

... Petitioners

Vs.

M/s.Inarco Private Limited,
Rep. By its Branch Accountants/Authorised Signatory
C.Ramani Kanth
D.No:B2—801,8th Floor, B2 Wing, Marathan Innova,
Opp. To Peninsula Corporation Park, Off Ganapatrao,
Kadam Marg,
Lower Parel, Mumbai-400013,
Place of Business:



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D.No.658, Central Studio Compound,
Trichy Road, Singanallur,
Coimbatore-641 005.

... Respondents

Appeal (CAD) filed under Section 13 of Commercial Court Act
r/w under Section 96 of Civil Procedure Code praying to set aside the
judgment and decree dated 20.03.2024 passed in C.O.S.No.228 of 2023
on the file of the Commercial Court (Senior Civil Judge Cadre)
Coimbatore.

For Petitioners : Mr.R.Sanjeev

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

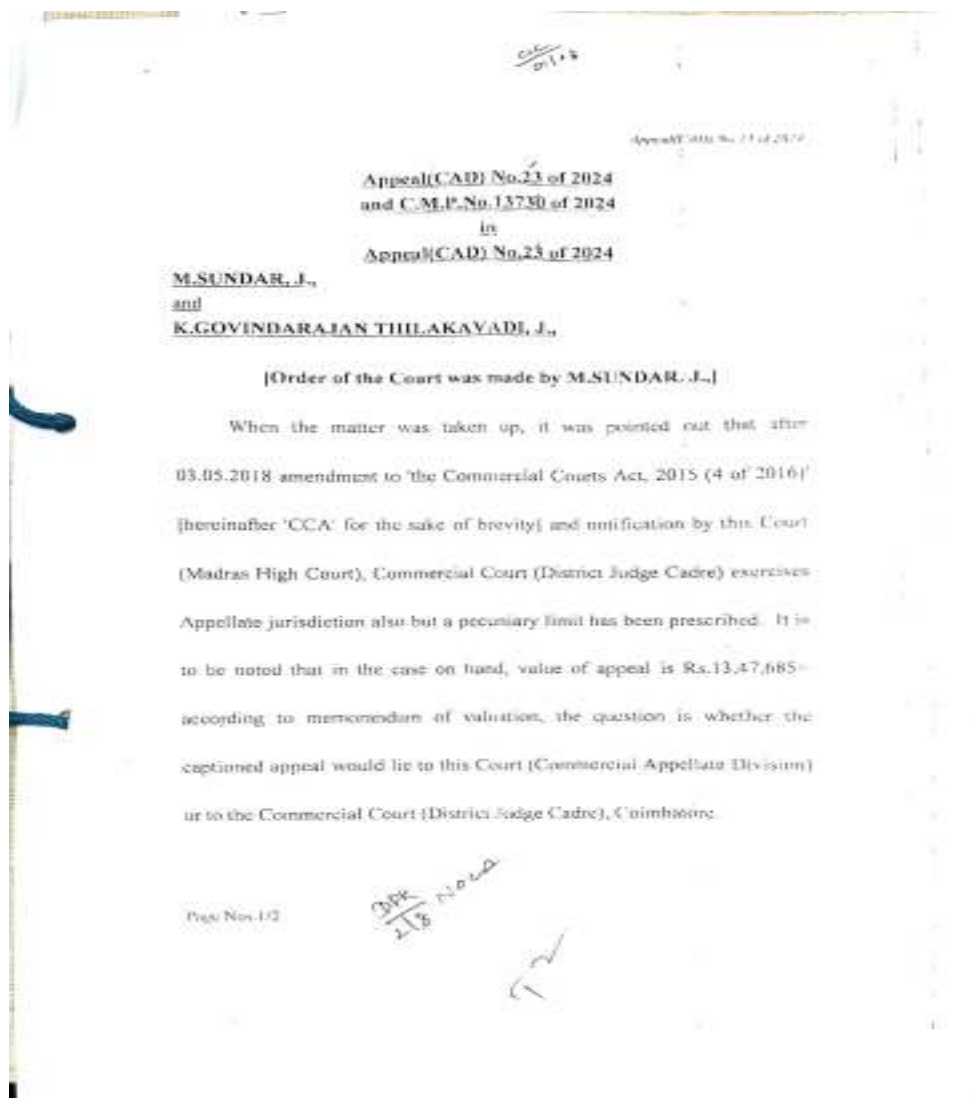
The captioned appeal is filed before this Court assailing the
judgment and decree dated 20.03.2024 passed in C.O.S.No.228 of 2023
on the file of the Commercial Court (Senior Civil Judge Cadre)
Coimbatore.



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2.In continuation of the earlier proceedings dated 30.07.2024 of this Court, today, Mr.R.Sanjeev, of M/s.Ravi Law Chambers (Law Firm) seeks leave of this Court to withdraw the captioned appeal with liberty to present it before the appropriate forum. A scanned reproduction of the earlier proceedings dated 30.07.2024 is as follows:





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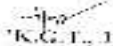
MSUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVATHI, J.,

2. Faced with the above situation, Mr.Sasi, learned Senior Advocate instructed by Adv.A Vankarash Kandas, learned counsel of Mr.Sasi Law Chambers (Law Firm) on behalf of appellants, requested for adjournment to examine the position and refer to this Court. Request acceded to.

3. List Order for cause list caption 'ADJOURNED ADMISSION' put in the Admission Board for Motion List one week for me.

Issued on 06.08.2024.


[MSUNDAR, J.]
30.07.2024


[K.G.T., J.]

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3.As stated above in the earlier proceedings, after amendment to The Commercial Courts Act, 2015 (Act 4 of 2016) dated 03.05.2018 and notification by High Court of Madras, the Judicial Officer in the Cadre of District Judge, exercises Appellate jurisdiction up to the pecuniary limit of Rs.25,00,000/-(Rupees Twenty Five Lakhs only) arising out from the judgment and decree of the Sub Court. The learned counsel for the



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appellant submitted that, being under the impression that the appeal against the judgment and decree of the Commercial Court in the Cadre of Sub Judge, has to be filed before this Court, inadvertently preferred the appeal before this Court. Hence, seeks permission to withdraw the captioned appeal with liberty to present it before the appropriate forum. Accordingly, the learned counsel made endorsements to that effect.

4.The scanned reproduction of the same is as follows:

The Appeal may be permitted
to be withdrawn with liberty
to seek it before the
appropriate forum.
C. Jeyaraj (D. SANKARANARAYANAN)
Senior Counsel
11/3/24
(F No 2401/2024)





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5.The learned counsel further seeks for a direction to exclude the time spent for prosecuting the captioned appeal while filing the same before the appropriate forum and also for refund of Court fee paid in the captioned appeal as provided under Section 70 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.

6.Considering the above submissions, the learned District Judge, Commercial Court, Coimbatore, while computing the limitation period,



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shall consider the time spent during which the appellant was prosecuting the captioned appeal by applying the provisions of Section 14 of Limitation Act on merits and in accordance with law.

7.In view of the above, the captioned appeal is disposed of as withdrawn/Closed with the aforesaid liberty. Consequently, connected miscellaneous petition is closed. No costs.

8.As regards refund of Court fee, the Registry is directed to refund the Court fees paid in this appeal (Appeal (CAD).No.23 of 2024) subject to the usual deductions and Rule applicable for Court fee refund.

(M.S.,J.) (K.G.T.,J.)
06.08.2024

Index : Yes / No

Neutral Citation : Yes / No

vsn

P.S. I: *Upload forthwith*

P.S.II : *All concerned including the Registry of Madras High Court to act forthwith on the uploaded soft copy of this proceedings as uploaded in the official website of this Court. To be noted, the soft copies uploaded in the official website of this Court are water marked, besides being QR Coded.*



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

vsn

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