



A.No.4254 of 2024
in CS.No.275 of 2022

WEB **K.KUMARESH BABU, J.,**

This application has been filed by the applicant seeking to clarify the judgment dated 30.06.2023.

2. Heard the learned counsel for the applicants and there is no representation on behalf of the respondent.

3. Pursuant to the judgment of this Court, the learned counsel for the applicants had approached the Registry for refund of Court fees as applicable, but the Registry refused to refund the same contending that only when the suit has been withdrawn as settled out of Court, the applicants would be entitled for refund of Court fees. He would further submit that withdrawal of the suit was only after a settlement that was arrived between the respective parties and only thereafter, the counsel for the applicants had made an endorsement that the defendant had deleted the defamatory statements and also uploaded a video expressing regret. Further, without any such settlement, the statement could not have been made by the respondent/defendant.



4. He would further submit that the statement was not made by him in the endorsement and thereafter the suit is deemed to have been dismissed as withdrawn as being settled out of Court.

5. I have perused the contents made in the affidavit filed in support of the application and the endorsement made by the learned counsel for the applicant and also the judgment delivered by this Court on 30.06.2023.

6. The endorsement made by the learned counsel for the applicants in the plaint seeking withdrawal only indicates that on instruction from the plaintiffs, the counsel is withdrawing the suit. However, the statement made by the counsel for the applicants/plaintiffs had been recorded in the judgment of this Court, which had indicated that the respondent/defendant had deleted the defamatory statements against the plaintiffs/applicants and had uploaded the video expressing regret.

7. The learned counsel for the applicants/plaintiffs had also indicated that the respondent/defendant would also undertake not to delete the video in which he had expressed his regret.



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8. The statements made by the learned counsel for the applicant would indicate that the settlement had been arrived at between the parties, only based upon the said settlement and on instruction which emanated from the plaintiffs to the counsel for withdrawal of the suit.

9. Since, I have held that the withdrawal had taken place, only after settlement had been arrived at between the parties.

10. The respondent/defendant had also in person appeared through video conference and this Court even though had not recorded his statement, is aware that the respondent had acknowledged whatever the statement made on behalf of the counsel for the applicants.

11. In such view of the matter, I am of the considered view, the suit has been dismissed as withdrawn as only being settled out of Court and not otherwise.

12. Hence, the Registry is directed to refund the Court fee as applicable to the applicant as directed by this Court in the judgment dated 30.06.2023.

13. Accordingly, this application is ordered.

28.08.2024.

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K. KUMARESH BABU, J.,
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