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Appeal(CAD)No.4 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

Appeal(CAD)No.4 of 2022

MRF Limited
Rep. by its Dy. Manager -
Sales Operations
Mr.Jagadeesan M.P.,
114, Greams Road
Chennai-600 006.

... Appellant

Vs.

Mr.Sumit Gumber
S/o.Mr.Krishna Gumber
Sole Proprietor
M/s.Shiva Tyres
Chandigarh Road, Narayanagarh Chowk
Balde Nagar, Ambala City
Haryana - 134 007.

.. Respondent

Appeal filed under Section 13 of Commercial Courts Act, 2015 read with Section 96 of the Civil Procedure Code, praying to set aside the judgment and decree dated 09.11.2022 made in C.O.S.No.664 of 2022 on

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the file of the Commercial Court, Chennai and dismiss the suit.

For Appellant : Mr.M.Vijayan
M/s.King and Partridge (Law Firm)

J U D G M E N T

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

Matter mentioned at half past ten.

2. Mr.M.Vijayan, learned counsel of M/s.King and Partridge (Law Firm) submits that the captioned matter has been settled out of Court, saying so learned counsel sought leave of this Court to withdraw the captioned appeal. Learned counsel has made an endorsement in this regard in the case file and a scanned reproduction of the same is as follows:

Appeal settled out of Court.
May be permitted to withdraw
the appeal. Refund of Court fee
may be ordered.
Mr. Vijayan
Partner, M/s. King & Partridge
Advocate for Appellant
29/8/2022

3. Adverting to the aforementioned endorsement, learned counsel



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requested for refund of Court fee.

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4. In the light of 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 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 17.10.2024 subject only to Statutory deductions, if any and learned counsel for appellant adhering to all the procedural requirements.

Captioned appeal is disposed of as withdrawn / closed with the above directives regarding refund of Court fee. 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

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

mk

To
The Commercial Court,
Egmore, Chennai.

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