



A.S.(MD)No.33 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.03.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

A.S.(MD)No.33 of 2020
and
C.M.P.(MD)No.4183 of 2023

N.Hidayathulla

...Appellant

/Vs./

M.Neelakumar

...Respondent

PRAYER:- Appeal - filed under Section 96 of CPC, to set aside the decree and judgment passed in OS No.20 of 2015 dated 22.11.2017 on the file of the III Additional District Judge (FAC), Tiruchirappalli.

For Appellant : Mr.J.Anandkumar

For Respondent : Mr.A.G.Rajan



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JUDGMENT

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

The present appeal has been filed challenging the decree and judgment passed in OS No.20 of 2015 dated 22.11.2017 on the file of the III Additional District Judge (FAC), Tiruchirappalli.

2. Pendency of this appeal, the respondent filed an execution petition in EP No.64 of 2018 and the same was referred before the lok adalat, Trichirappalli, wherein the appellant herein agreed for settlement of Rs.85,00,000/- (Rupees Eighty Five Lakhs only) to the respondent herein and they have also filed a joint memo of compromise to that effect, based on which, the lok adalat, Tiruchirappalli has granted an award dated 10.02.2021. When this appeal was referred to the National Lok Adalat, it was held that the appellant is entitled for refund of Court fee in view of the settlement arrived at between the parties.



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3. The learned counsel appearing for the appellant submits that the settlement amount which was agreed for settlement has been paid to the respondent, which was also conceded by the learned counsel appearing for the respondent.

4. Now, the appellant has filed the civil miscellaneous petition to refund of Court fee for a sum of Rs.2,46,734/- paid by the appellant, at the time of filing the appeal suit.

5. It is seen that this Court has already held that the appellant is entitled for refund of Court fee. As compromise settlement has already been arrived at between the parties and the settlement amount of Rs.85,00,000/- has also been paid to the respondent, the Court fee for a sum of Rs.2,46,734/- paid by the appellant, at the time of filing the appeal suit shall be refunded to the appellant herein. Accordingly, the Civil Miscellaneous Petition is allowed.



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6. In the result, this Appeal Suit is disposed of as the matter is settled between the parties before the lok adalat itself. No costs.

(V.B.S.J.) & (K.K.R.K.J.)
05.03.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes
sm



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1.The III Additional District Judge (FAC), Tiruchirappalli.



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V.BHAVANI SUBBAROYAN, J.
and
K.K. RAMAKRISHNAN, J.

sm

Judgment made in
A.S.(MD)No.33 of 2020

Dated:
05.03.2024