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CMP.No.4213 of 2025 in A.S.No.70 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CMP.No.4213 of 2025

in

A.S.No.70 of 2021

1. Vasanthi
2. Valliammal

... Petitioners / Appellants

Vs.

Regina Mary

... Respondent / Respondent

PRAYER IN CMP.No.4213 of 2025 : This Civil Miscellaneous Petition filed under Section 66 (1) of the Tamil Nadu Court-fees and Suits Valuation Act, 1955, praying to refund the court fee paid by the petitioner / appellant towards this Hon'ble High Court in A.S.No.70 of 2021.

PRAYER IN A.S.No.70 of 2021 : This Appeal Suit filed under Section 96 of CPC, against the Judgment and decree dated 28.11.2019 made in O.S.No.96 of 2015 on the file of the Court of the II Additional District Judge, Puducherry.

For Petitioners : Mr.T.Shanmugam

For Respondent : Mr.E.V.Chandru



ORDER

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This Civil Miscellaneous petition is filed by the petitioners / appellants seeking to refund the court fee paid by the petitioners / appellants towards this Court in A.S.No.70 of 2021.

2. Heard Mr.T.Shanmugam, learned counsel appearing for the petitioners / appellants and Mr.E.V.Chandru, learned counsel appearing for the respondent.

3. The learned counsel for the petitioners / appellants submits that the appeal in A.S.No.70 of 2021 had already been withdrawn as early as on 02.11.2022, by making the following endorsement in the Court bundle:-

"the parties have settled the matter out of Court by arriving at a compromise between them by compromise deed dated 15.10.2022. Hence, this appeal may be withdrawn as settled out of Court".

4. The learned counsel for the petitioners / appellants further submits that since the matter had already been settled out of the Court, the Court fee may be refunded to the petitioners / appellants. The learned



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counsel for the respondent has expressed no objection for refund of the Court fee to the petitioners / appellants.

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5. In view of the above this petition is allowed in the light of the judgment of the Hon'ble Supreme Court in ***HIGH COURT OF JUDICATURE AT MADRAS REP. BY ITS REGISTRAR GENERAL VS. M.C.SUBRAMANIAM AND OTHERES [2021 (3) SCC 560]***.

6. Registry is directed to refund the Court fee to the petitioners / appellants as per Rules.

10.06.2025

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R.SAKTHIVEL, J.

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