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A.S.No.99 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

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THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

A.S.No.99 of 2022 and
C.M.P.No.3495 of 2022

C.Lakshmi

... Appellant/Defendant

-VS-

V.Lakshmi

... Respondent/Plaintiff

Prayer: Appeal Suit is filed under Section 96 of CPC to set aside the judgment and decree dated 15.12.2021 passed in O.S.No.123 of 2011 on the file of the Principal District Judge at Puducherry by allowing the Appeal Suit.

For Appellant : Mr.P.Veeraraghavan

For Respondent : Mr.M.Santhanaraman

J U D G M E N T

Aggrieved over the decree and judgment of the Trial Court, the unsuccessful defendant is before this Court.

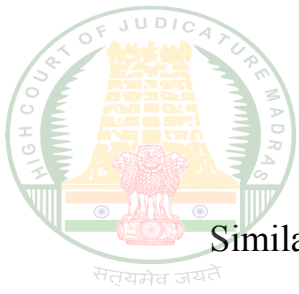
2. When the matter is taken up for hearing, the appellant/defendant and the respondent/plaintiff, who all appeared before



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WEB CO this Court physically and are identified by their respective counsel, have filed a Joint Memorandum of Settlement dated 17.04.2025, wherein it has been stated that the parties have consented to settle the matter amicably and the appellant has agreed to pay a sum of Rs.23,50,000/- in full quit. It has also been stated that a sum of Rs.14,00,000/- had already been paid to the respondent by way of Bank Transfer. Insofar as the remaining amount of Rs.9,50,000/- is concerned, it is stated that a sum of Rs.7,00,000/- is lying in the Court deposit to the credit of the suit and the said amount along with accrued interest comes to Rs.9,64,612/-. The appellant is agreeable for withdrawal of the amount by the respondent from the Trial Court, which has been accepted by the respondent. That apart, it is stated by the learned counsel for the respondent that the amount deposited towards sale consideration shall be returned to the respondent.

3. Accordingly, the respondent is permitted to withdraw the amount of Rs.7,00,000/- along with the accrued interest on filing a proper application before the Trial Court and upon filing such application, the Trial Court shall immediately disburse the amount to the respondent / plaintiff.



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Similarly, the Trial Court is also directed to return the amount deposited by the respondent / plaintiff towards sale consideration on filing necessary application. Learned counsel for the respondent has handed over the original Title Deed to the learned counsel for the appellant across the bar today and the same is hereby recorded.

4. At this juncture, learned counsel for the appellant submitted that since the matter has been settled out of the Court, he prayed for return of the Court Fee. He has also referred to a judgment of the Apex Court in the case of *The High Court of Judicature at Madras, represented y its Registrar General (Special Leave Petition (Civil) Nos.3063-3064 of 2021)* decided on 17.02.2021 in support of refund of Court Fee.

5. Recording the Memorandum of Settlement dated 17.04.2025 filed by the parties, the instant Appeal Suit is disposed of as settled out of the Court. Registry is directed to return the Court Fee to the appellant as per Rules. No costs. Consequently, connected Miscellaneous Petition is closed.

17.04.2025

Index: Yes / No
Internet: Yes / No
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N.SATHISH KUMAR,J.,
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To:

1. The Principal District Judge,
Puducherry.
2. The Section Officer,
V.R.Section,
High Court,
Madras.

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