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C.R.P. No.1458 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRP.No.1458 of 2025

S.Nagalakshmi

... Petitioner

Vs.

1. E.Suresh

2. S.Malar

3. S.Divya

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in unnumbered I.A. No.... of 2024 in O.S.No.158 of 2023 dated 11.11.2024 on the file of the Principal District Judge, Puduchery, rejecting the refund of court fees.

For Petitioner: M/s.J.Jayalakshmi

For Respondents: No Appearance

ORDER

This Civil Revision Petition has been filed to set aside the order passed in unnumbered I.A.No..... of 2024 in O.S.No.158 of 2023 dated 11.11.2024, on the file of the learned Principal District Judge, Puducherry, whereby the request for refund of court fees was rejected.



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2. The brief facts of the case is that the petitioner, who is the plaintiff in O.S.No.158 of 2023, instituted the suit seeking a declaration that the purported settlement deed dated 31.03.2023, executed in favour of the second respondent by the first respondent is void ab-initio and non est in the eye of law. The suit was filed on 27.07.2023 and the plaintiff paid total court fees amounting to Rs.1,87,592/- for the reliefs sought. After service of summons, the first defendant appeared before the Court and filed a memo submitting to decree. Recording the same, the trial Court decreed the suit as prayed for by the plaintiff. Thereafter, the plaintiff filed an unnumbered petition in I.A.No..... of 2024 in O.S.No.158 of 2023 under Section 58 of the Pondicherry Court Fees and Suit Valuation Act, 1972 r/w Section 151 of CPC, seeking to refund the stamp amount paid by the petitioner/plaintiff a sum of Rs.1,87,592/-. However, the learned Judge, by order dated 11.11.2024, rejected the petition as not maintainable which reads as follows:

“Heard. The suit has been decreed since the defendants submitted to decree. Only in case of settlement between the parties arrived through ADR mechanism, refund of court fee could be ordered.



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Otherwise the suit should be dismissed as settled out of court. Since there is no settlement between the parties and the respondents/defendants conceded for decreeing the suit, the petitioner/plaintiff is not entitled for refund of court fee. Hence the petitioner is rejected as not maintainable”

3. Since the matter lies between the petitioner and the Court, issuance of notice to the respondents is hereby dispensed with.

4. Learned counsel for the petitioner submitted that the dispute has been amicably settled between the parties and a decree has also been passed by the trial Court based on the terms of compromise. Therefore, the petitioner is entitled to refund of full Court fee.

5. In support of her submission, the learned counsel relied upon the Judgement of this Court in the case of ***Project Director National Highways Authority of India Vs. Special Tahsildar (Land Acquisition Officer), Namakkal*** reported in ***2022 SCC Online Mad 3673*** relevant portion of which, reads as under:

5. In view of the judgment reported in (2021) 3 SCC 56 (High Court of Judicature at Madras, represented by its



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Registrar General Vs. M.C.Subramaniam), the appellant is entitled to get refund of the entire Court fee paid in the First appeal. The Hon'ble Supreme Court, in the above referred judgment has held as follows:

"20. Thus, even though a strict construction of the terms of Section 89, CPC and 69A of the 1955 Act may not encompass such private negotiations and settlements between the parties, we emphasize that the participants in such settlements will be entitled to the same benefits as those who have been referred to explore alternate dispute settlement methods under Section 89, CPC. Indeed, we find it puzzling that the petitioner should be so vehemently opposed to granting such benefit. Though the Registry/State Government will be losing a one time Court fee in the short term, they will be saved the expense and opportunity cost of managing an endless cycle of litigation in the long terms. It is therefore, in their own interest to allow the Respondent No.1's claim.

21. Thus, in our view, the High Court was correct in holding that Section 89 of the CPC and Section 69A of the 1955 Act be interpreted liberally. In view of this broad purposive construction, we affirm the High Court's conclusion, and hold that Section 89 of CPC shall cover, and the benefit of Section 69A of the 1955 Act



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shall also extend to, all methods of out-of court dispute settlement between parties that the Court subsequently finds to have ben legally arrived at. This would, thus, cover the present controversy, wherein a private settlement was arrived at, and a memo to withdraw the appeal was filed before the High Court. In such a case as well, the appellant, i.e., Respondent No.1 herein would be entitled to refund of court fee...."

6. Having regard to the submissions made by the learned counsel on either side and also in view of the ratio laid down by the Hon'ble Supreme Court in the judgment reported in (2021) 3 SCC 560 (cited supra), the appellant is entitled to get refund of the entire Court fee.

6. Considering the above facts and circumstances, this Court is of the view that since the suit was decreed based on the terms of compromise, the petitioner is entitled to refund of Court fee.

7. Accordingly, the order dated 11.11.2024 passed in unnumbered I.A.No..... of 2024 in O.S.No.158 of 2023 on the file of the Principal District Court, Puducherry, is set aside.



8. The learned Principal District Judge, Puducherry is directed to number the petition and proceed to refund the Court fee paid by the petitioner in

O.S.No.158 of 2023 as per law.

9. With the above observations and directions, this Civil Revision Petition is allowed. No costs.

16-04-2025

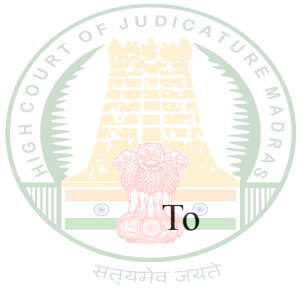
Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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C.R.P. No.1458 of 20



To

WEB COPY The Principal District Judge,
Puducherry



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A.D.JAGADISH CHANDIRA,J.

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