



Appeal (CAD) No.17 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED :11.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

Appeal (CAD) No.17 of 2025

C.R.Polymers
Rep. by its Proprietor
Mr.Chainroop Hirawat
Carrying on Business at No.7
7th Block, Tamil Nadu Housing Board
Industrial Estate, Phase - II
Kodungaiyur, Chennai - 600 118

... Appellant

Vs.

Mr.Pon Singh
Proprietor
Sabarivasan Hardware Store
Carrying on business at
No.881/7, 8 & 9
Thiruvalluvar High Road
Gopal Nagar, Padi
Chennai - 600 098

... Respondent

Appeal filed under Section 13(1A) of Commercial Courts Act read with Section 96 of Civil Procedure Code, 1908 to set aside the decree and judgment by the Commercial Judge, Egmore dated 11.11.2024 in COS No.56 of 2023.

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Appeal (CAD) No.17 of 2025

For Appellant : Mr.K.P.Dinesh
For Respondent : Mr.J.Shakul Hameed
for Mr.C.Prabakaran

ORDER

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

Mr.K.P.Dinesh, learned counsel on record for the sole appellant and Mr.J.Shakul Hameed, learned counsel representing Mr.C.Prabakaran, counsel on record for sole respondent are before us.

2. Both counsel submit in one voice in unison that the matter has been settled as between the parties i.e., settled out of Court. A scanned reproduction of the memo filed by the learned counsel for appellant in this regard (memo dated 09.09.2025) is as follows:



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Appeal (CAD) No.17 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Side)

A.S.No.17 of 2025
Against
COS No. 56 of 2023
(On the file of Principal Commercial Judge, Egmore)

C.R. Polymers,
Rep. by its Proprietor,
Mr.Chainroop Hirawat,
Carrying on Business at No.7,
7th Block, Tamil Nadu Housing Board,
Industrial Estate, Phase – II,
Kodungaiyur, Chennai 600 118.

Appellant/Plaintiff

-Vs-

Mr.Pon Singh,
Proprietor,
Sabarivasan Hardware Store,
Carrying on Business at
No.881/7, 8 & 9,
Thiruvalluvar High Road,
Gopal Nagar, Padi,
Chennai 600 098.

Respondent/Defendant

MEMO FILED BY THE APPELLANT

1. The appellant states that he had filed the above appeal against the decree and judgment in COS No.56 of 2023 dated 11.11.2024 on the file of Principal Commercial Judge, Egmore in partly allowing the commercial suit claim. The appellant had filed the commercial suit to recover a sum of Rs.5,32,911/ from the respondent.

2. The appellant submits that the respondent has settled his dues to the appellant and the appellant acknowledges full settlement of the appeal claim.

3. The appellant states that this Hon'ble Court may be pleased to dismiss the first appeal as settled out of court.

4. The appellant prays that this Hon'ble Court may be pleased to order full refund of the Court Fee Of Rs. 15,990/- to the appellant.

Dated at Chennai on this
9th day of September, 2025

H. P. D. L.
Appellant
Counsel for respondent.



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Appeal (CAD) No.17 of 2025

IN THE HIGH COURT OF
JUDICATURE AT MADRAS
(Civil Appellate Side)

A.S.No.17 of 2025
(cad) Against
COS No. 56 of 2023
(On the file of Principal
Commercial Judge, Egmore)

C.R. Polymers,
Rep. by its Proprietor,
Mr.Chainroop Hirawat,
...Appellant/Plaintiff

-Vs-

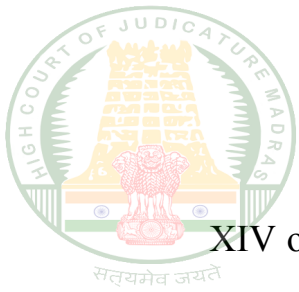
Mr.Pon Singh,
Proprietor,
Sabarivasan Hardware Store
...Respondent/Defendant

**MEMO FILED BY THE
APPELLANT**



K.Prabhakaran
E.No.244/1974
K.P.Dinesh
E.No.1994/2003
Counsel for Appellant
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3. As regards the refund of Court fee, in the light of Section 69-A of
'The Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act



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XIV of 1955)' [hereinafter 'TN Court Fees Act' for convenience and clarity]

read with *M.C.Subramaniam* case [*High Court of Judicature at Madras*

Vs. M.C.Subramaniam reported in *2021 SCC OnLine SC 109 : (2021) 3*

SCC 560], Registry to refund the Court fee subject only to standard /

applicable statutory deductions, if any. Refund shall be by way of an

instrument drawn in the name of the appellant. Registry shall complete the

process of refund of Court fee as expeditiously as the business of Registry

permits but in any event within twelve weeks from today i.e., on or before

04.12.2025 (subject to counsel for appellant complying with procedural

requirements).

Captioned appeal dismissed as withdrawn, the same having been

settled out of Court with directive regarding refund of Court fee in the

aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(M.S.K.,J.)

11.09.2025

Index : Yes / No

Neutral Citation : Yes / No

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Appeal (CAD) No.17 of 2025

**M.SUNDAR, J.,
and
MUMMINENI SUDHEER KUMAR, J.,**

gpa

To

The Commercial Court
Egmore, Chennai

Appeal (CAD) No.17 of 2025

11.09.2025

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