



Appeal (CAD) No.15 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

AND

THE HONOURABLE Mr. JUSTICE HEMANT CHANDANGOUDAR

Appeal (CAD) No.15 of 2023

AND

C.M.P.No.15140 of 2023

M/s.Tirupati Enterprises
B-34, Lower Ground Floor
Panchsheel Enclave, New Delhi
Rep. by its Director Mr.Vinod Bharadwaj

.. Appellant

Vs.

M/s.APM Terminals India Private Limited
13th Floor, Tower A95
Urmi Estate, Kadam Marg, Lower Parel (West)
Mumbai 400 013
Branch Office at
Ganesh Office Building
3rd Floor, Old No.130, New No.50
Velacherry Main Road
Saidapet, Chennai 600 015
Rep. by its Authorised Signatory Mr.P.Paranthaman

(cause title amended *vide* order dated 02.12.2024
made in C.M.P.No.26064 of 2024)

.. Respondent

Appeal filed under Section 13 of the Commercial Courts Act, 2015 read with Section 96 of CPC against the judgment and decree dated 06.02.2023 passed in C.O.S.No.1649 of 2022 on the file of the Commercial Court at Egmore, Chennai.



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For appellant : Mr.Aakash Guru.G
For respondent : Mr.Kandeep Shravan
for Mr.P.Giridharan

J U D G M E N T

(delivered by M.SUNDAR, J.)

Mr.Aakash Guru.G, learned counsel on record for sole appellant and Mr.Kandeep Shravan, learned counsel representing Mr.P.Giridharan, learned counsel on record for sole respondent, are before us. Both the learned counsel submit that the captioned matter is settled out of court.

2. Section 69A of 'Tamil Nadu Court Fees and Suits Valuation Act, 1955 [Act No. XIV of 1955]' {hereinafter 'Tamil Nadu Court Fees Act' for the sake of convenience and clarity}, reads as follows:

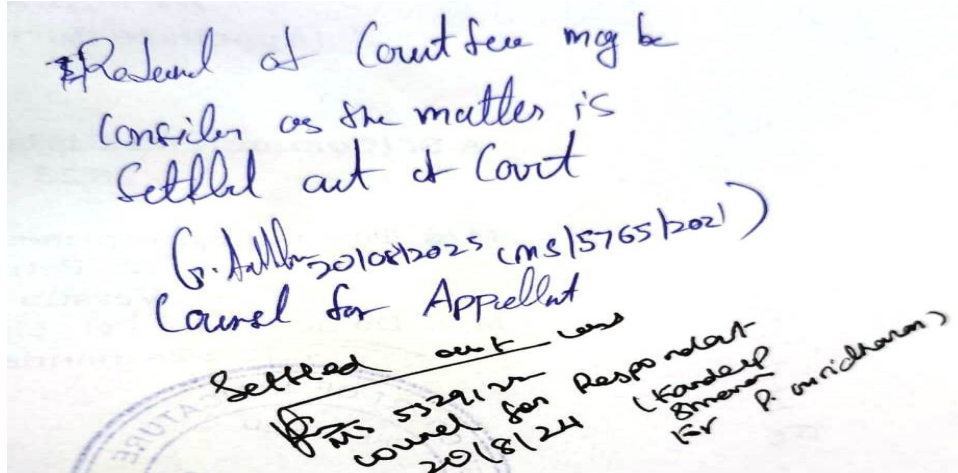
'69A. Refund on settlement of disputes under section 89 of Code of Civil Procedure

Where the Court refers the parties to the suit to anyone of the modes of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (Central Act V of 1908), the plaintiff shall be entitled to a certificate from the Court authorizing him to receive back the full amount of the fee paid in respect of such plaint if the dispute referred by the Court is settled.'



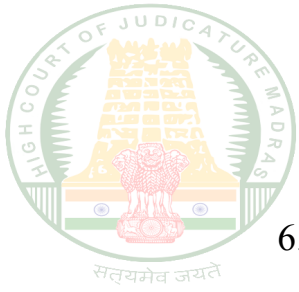
3. To be noted, the endorsement made by both sides in the case file is as

WEB follows:



4. Appellant requests for withdrawal and also seeks refund of Court fee.

5. As regards Section 69A of Tamil Nadu Court Fees Act, the same is explained by Hon'ble Supreme Court in *High Court of Judicature at Madras Vs. M.C.Subramaniam* reported in *2021 SCC OnLine SC 109* saying that the same would apply even when parties enter into an out of Court settlement. Therefore, in the light of Section 69A of Tamil Nadu Court Fees Act in the context of *M.C.Subramaniam* case, Registry is directed to refund Court fee paid, subject to standard deductions and subject to counsel on record for appellant complying with the procedural requirements for refund. The refund shall be by way of instrument drawn in favour of the appellant.



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6. The refund shall be done by the Registry as expeditiously as possible

but in any event within twelve weeks from today *i.e.*, on or before 12.11.2025.

7. Captioned appeal stands disposed of as having been settled out of Court. Consequently, captioned C.M.P. is also closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
20.08.2025

Index : Yes/No
Neutral Citation : Yes/No
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