



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

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CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31199 of 2022

R.Kumar

... Petitioner

Vs.

The Management
Mohanmal Garodia Jain Training Institute
2, Govindasamy Street
Meenambakkam, Chennai 600 114.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Labour Court Presiding Officer, Kancheepuram and orders passed in I.D.No.3 of 2019 dated 08.12.2021 and quash the order of the Labour Court, Presiding Officer, Kancheepuram and direct the respondent Management to pay the gratuity, compensation and other benefits due to the petitioner for the period of service (March 1992 to October 1995 and July 2007 to September 2014 – totalling period of service – 10 years and 10 months) – and stoppage of service period



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from October 2014 to the date of the order of the Labour Court Presiding Officer, Kancheepuram.

For Petitioner : Mr.N.J.Sagayaraj

For Respondent : Mr.K.Shakespeare

ORDER

Mediation report received. The Mediated Settlement agreement is enclosed and duly signed by both parties and the learned counsel. The learned counsel for the Management is present. He admits such a settlement has been arrived at. Therefore, the Writ Petition is disposed of in terms of the Mediated Settlement Agreement, and the terms of the settlement agreement shall form part of the order.

2. Since the matter is settled in Mediation, the petitioner will be entitled to a refund of the full Court fee. Apprehension is expressed that refund of the full court fee is not possible in view of the Judgment of the Hon'ble Supreme Court of India in *Sanjeevkumar Harakchand Kankariya*



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-Vs- Union of India & others (S.L.P. (Civil) No. 1904 of 2015). The

apprehension is expressed without reading the Judgment of the Hon'ble Supreme Court of India in full. The Hon'ble Supreme Court considered the position in the pre-amended *Maharashtra Court Fees Act, 1959*. In the matter settled through mediation, the refund of full court fees was prayed based on the Central Court Fees Act, 1870. In that context, it was held that the refund cannot be done by considering mediation as Lok Adalat Award. In the said judgment itself, in paragraph 22, the Hon'ble Supreme Court noted the amended Section 16-A of the *Maharashtra Court Fees Act, 1959* and held that post-amendment, any person will be entitled to a full refund. The relevant portion of paragraph 22 reads as follows:

“23. Any matter settled under the processes mentioned in Section 89 CPC after the coming into force of the above-extracted amendment, such parties shall receive refund of court fees in its entirety”

3. Thus, it is clear that even under the *Maharashtra Act*, the parties would be entitled to a refund of the full court fee after the amendment.

As far as the state of Tamilnadu is concerned, the amended Section 69-A of



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the Tamilnadu Courts Fees and Suits Valuation Act, 1955, reads as follows :

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“(1)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.”

4. In view thereof, in respect of matters settled in Mediation, the parties will be entitled to a refund of the Full Court Fee as per Section 69-A of *the Tamilnadu Court Fees and Suits Valuation Act, 1995*. Accordingly, the petitioner will be entitled for a refund of the full Court fee paid by the petitioner.

5. In the result, this Writ Petition stands disposed of. No costs.

02.01.2025

Neutral Citation: Yes
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To

The Presiding Officer,
Labour Court, Kancheepuram.



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D.BHARATHA CHAKRAVARTHY, J.
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