



WEB COPY

C.S.No.243 of .



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.S.No.243 of 2024 &
A.Nos.5377 & 6698 of 2024 &OA 770 of 2024

M/s.High Power V Infrastructure Ltd.,
Rep., by its Director Mr.R.Arunachalam,
Plot No.61/F1, Sairam Apartments,
5th Cross Street, Logaiah Colony,
Saligramam, Chennai – 600 093.

... Plaintiff

vs.

The President,
Space Research Employees Association (Reg No.401/2011)
No.20, Kamarajar Avenue,
2nd Street, Adayar, Chennai – 600 020.

... Defendant

Prayer : Civil Suit filed under Order IV Rule 1 & 2 of Madras High Court
Original Side Rules read with Order VII Rule 1 of CPC to pass decree and
Judgment as

- a) Directing the defendant to pay Rs.21,00,00,000/- (Twenty One Crores Only) and pay the future interest @ 6% till date of realization and thus render justice.
- b) Directing the defendant to pay the cost of suit and
- c) Granting such further or other reliefs, as this Court may deem fit and proper in the circumstances.



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For Plaintiff : Mr.S.Veeraghavan for

M/s.G.Uma Maheswari

For defendants : Mr.K.J.Sivakumar

J U D G M E N T

This suit has been filed for recovery of sum of Rs.21,00,00,000/- from the defendants along with 6% interest.

2. A memo had been filed by the parties jointly indicating that the parties have settled the dispute among themselves and the order of termination has also been revoked and the said memo has been acknowledged by the learned counsel appearing for both the parties.

3. In view of the settlement arrived at between the parties, no further adjudication is required to be made in the Suit and accordingly, the Suit is closed.

4. The learned counsel appearing for the plaintiff seeks refund of Court fee, however would submit that in view of the judgment of the Hon'ble Apex Court in SLP.No.720 of 2023 there may be an impediment for this Court to



order refund of Court fee.

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5.It is to be noted that the Hon'ble Apex Court had dealt with the case arising from Punjab & Haryana High Court where Court Fees Act, 1870 was applicable which contains provisions particularly Section 16 of the Act which only provides refund of court fee when the matter is settled between the parties under the provision of Section 89 of CPC. Whereas, the Tamil Nadu Court Fees and Suit Valuation Act, 1955 envisages refund of court fee when the parties have settled the disputes before the trial commences on the merits of the claim. For better appreciation, the relevant provisions of both Acts is extracted hereunder.

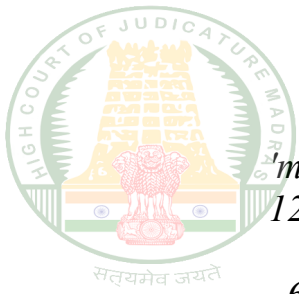
The Court Fees Act, 1870

“... 16. Refund of fee.—Where the court refers the parties to the suit to any one of the mode of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (5 of 1908), the plaintiff shall be entitled to a certificate from the court authorizing him to receive back from the collector, the full amount of the fee paid in respect of such plaint...”

The Tamil Nadu Court Fees and Suit Valuation Act, 1955

“...Section 69 - Refund on settlement before hearing:-

Whenever any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of the claim, (full amount) of all fees paid in respect of the claim or claims in the suit shall be ordered by the Court to be refunded to the parties by whom the same have been respectively paid. Explanation.-- The expression



'merits of the claim' shall have the meaning assigned to it in section 12..."

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6. Further, the said Act, 1955 also provides *para materia* provisions of Section 69A to Section 16 of the Act 1870. In such view of the matter, this court is of the view that the plaintiff would be entitled for refund of court fee as envisaged under Section 69 of the Tamil Nadu Court Fees and Suit Valuation Act, 1955. Hence, the registry is directed to refund the court fee paid by the plaintiff. However, there shall be no order as to costs. Consequently, connected miscellaneous applications are closed.

17.12.2024

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU.J.,

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