



C.M.P.No.26672/2024 in C.M.A.Nos.3193/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.M.P.No.26672 of 2024 in CMA.No.3193 of 2014

C.M.A.No.3193 of 2024

The Manager
National Insurance Company Ltd.,
Motor Third Party Cell (Hub),
No.66, First Floor, Murugesu Naicker Complex,
Greens Naicker Complex, Greens Road,
Chennai – 600 006.

... Appellant

Vs.

1.R.Natchatra Mary,
W/o Late Rathinaswamy,
2. R.Alexander,
S/o Late Rathinaswamy

3. R.Berthin Jose,
S/o Late Rathinaswamy

4. M.Periya Nayagam,
W/o Late Mudiappan

5. SRM Construction,
Office at MS Mangalam,
Kaspa Pettai, Erode,
Erode District - 638115

... Respondents



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Prayer: This Civil Miscellaneous Petition is filed under Section 151 of Civil Procedure Code to direct the Registry to refund a sum of Rs.9,000/- in favour of N.B.Surekha, counsel appeared for the appellant in the above Civil Miscellaneous Appeal.

For Appellant : Ms.Surekha.N.B.

For Respondents : Mr.Varadhakamaraj

ORDER

(Judgment of the Court was delivered by J.Nisha Banu, J)

The petitioner/appellant has filed this Civil Miscellaneous Petition praying to order refund of Court fee of Rs.9,000/- in favour of N.B.Surekha, counsel appeared for the appellant in the above CMA.No.3193 of 2024.

2. Mr.N.B.Surekha, learned counsel for the petitioner has filed an affidavit in support of this petition wherein she has stated that due to oversight, she calculated the court fee of Rs.19,935/- and accordingly, paid the court fee while submitting the appeal papers on online filing. On verification by the Appeal Examiner, it was found that a sum of Rs.10,935/- alone was the proper court fee payable by the petitioner/appellant. Hence, she seeks refund of the remaining court fee i.e., Rs.9,000/- paid by her inadvertently.



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3. We are satisfied with the reasons stated in the affidavit filed in support of this petition.

4. If the petitioner had paid the excess court fee, she is entitled for refund of the same under Section 70 of the Tamil Nadu Court Fees and Suit Valuation Act. Hence, the Registry is directed to verify the records and if the petitioner had paid the excess court fee, the excess court fee alone shall be refunded to Ms.N.B.Surekha, counsel for the petitioner/appellant, as per the relevant rules. To that extent, this petition is ordered.

(J.N.B, J.) (R.S.V., J.)
24.01.2025
(2/2)

vsi

Note:

Registry is directed to issue
order copy on 07.02.2025



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J. NISHA BANU, J.
and
R. SAKTHIVEL, J.

vsi

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(2/2)