



C.R..P.(NPD)(MD).No.1052 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1052 of 2025

T.Babu

... Petitioner/Petitioner/
Plaintiff

Vs.

1. R.K.Rajkumar
S/o. Iae. Krishnasamy
Proprietor, ARRISMAA Dairy,
No.33, Sriram Apartment,
Red Cross Road, Shanmugapuram,
Palani, and also residing at
No.14A, Palaniappa Complex,
New Dharapuram Road,
Palani Town.

2. Canara Bank, Palani,
Represented by its Chief Manager,
Railway Feeder Road,
Palani Town

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 12.03.2025 made in Memo USR No.1248, dated 12.03.2025 in O.S.No.17 of 2021 on the file of the Additional District Judge, Palani, in so far as refusing to refund the Court fee and allow this Civil Revision Petition.



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For Petitioner : Mr.G.Sridharan

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ORDER

The plaintiff in O.S.No.17 of 2021 on the file of the Additional District Court, Palani, has filed the present Civil Revision Petition challenging the non - passing of an order with regard to the refund of Court fee.

2. The revision petitioner herein has filed the above said suit for the relief of recovery of money. Pending suit, the parties have entered into a compromise out of the Court and filed a Memo to the said effect on 12.03.2025. In the said Memo, it was reported that the parties have settled the matter out of the Court and the plaintiff had requested for refund of the Court fee.

3. The learned counsel appearing for the defendants had made an endorsement that he has no objection for recording the settlement and for refund of Court fee. However, while passing orders in the said Memo, the trial Court has only recorded the settlement out of the Court and has not passed any orders with regard to the refund of Court fee. Challenging that portion of the order, the present Civil Revision Petition has been filed.



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4. According to the learned counsel appearing for the revision petitioner, the Hon'ble Division Bench judgment of this Court in ***A.S.(MD) No.28 of 2014 dated 27.07.2023 (M.Sebastian Micle Vs.V.Murugan (died, Chandrika Devi)*** has held that the refund of Court fee under Section 69-A of Tamil Nadu Refund of Court Fees and Suit Valuation Act, 1955 can be allowed even in cases of private settlement between the parties, and it is not restricted to the situations referred to under Section 89 of C.P.C.

5. In view of the above judgment of the Hon'ble Division Bench of this Court, the trial Court is directed to refund the entire Court fee to the plaintiff.

6. With the above said observation, this Civil Revision Petition stands allowed. There shall be no order as to costs.

01.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Additional District Court,
Palani.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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