



Arb.Appeal (MD)No.45 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.04.2025

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THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Arb.Appeal(MD)No.45 of 2025

and

C.M.P.(MD)No.7016 of 2025

The Project Director,
National Highway Department,
Door No.1, 2nd Floor,
Subramaniapuram, 3rd Street,
Karaikudi – 630 002.

... Appellant

Vs.

1. S.Balasubramanian,
S/o.Shanmugasundaram,
Seluvai Village,
Karkathakudi Post,
Devakottai Taluk, Sivagangai District.
2. The District Collectore (Conciliation Tribunal Arbitrator)
Maruthu Pandiyar Nagar,
Collectorate Complex,
Sivagangai.
3. The Special Tahsildar,
(L.A.) National High Way Office,
Karaikudi – Ramanathapuram National Highway 210,
Expansion Plan,
Near by Union Office,



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Devakottai,
Sivagangai District.

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4. The Special District Revenue Officer,
(L.A.), National Highway.210,
Ramanathapuram.

... Respondents

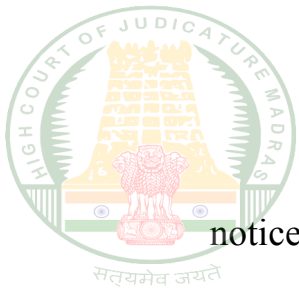
PRAYER: Arbitration Appeal filed under Section 37(1) & 2 of Arbitration & Conciliation Act, 1996, to call for record and set aside the order made in Arbitration O.P.No.01 of 2018 dated 14.10.2024 on the Principal District Judge, Theni and set aside the same and allow this Arbitration Appeal.

For appellant	: Mr.P.Karthick
For R2 to R4	: Mr.M.Gangatharan Government Advocate

ORDER

This arbitration appeal has been preferred by the Project Director, National Highway Department, Karaikudi, challenging the order dated 14.10.2024 passed in Arbitration O.P.No.1 of 2018 by the learned Principal District Judge, Sivagangai.

2. Mr.M.Gangatharan, learned Government Advocate (Civil) takes



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notice for the respondents No.2 to 4. Considering the limited scope of the relief sought for by the appellant herein, this Arbitration Appeal is taken up for final hearing at the admission stage itself.

3. Heard the learned counsels on either sides and carefully perused the materials available on record.

4. Considering the limited scope of the relief sought for by the appellant herein, notice to the respondents is dispensed with.

5. When the matter came up for hearing, it was brought to the notice of this Court that the appellant is fully bound by the decretal order passed by the learned Principal District Judge, Sivagangai, in Arbitration Appeal (MD)No.45 of 2025, subject to the point where the court fee on the petition which turns to an amount of Rs.1,00,000/- is directed to be paid under the particulars of cost. However, Section 67 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955, mandates that whenever an appeal is remanded, the Court fee paid ought to be returned to the petitioner. In the present case, the arbitration appeal was preferred by the first respondent herein before



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the learned Principal District Judge, Sivagangai, in Arbitration O.P. No.1 of 2018. However, in the operative portion of the judgment, having remanded the entire matter back to the District Collector for reconsideration, the Court had inadvertently directed the petitioner to pay the balance Court fee. It is submitted that already the arbitration petitioner, that is the first respondent herein had paid the balance Court fee.

6. Section 67 (1) of the Tamil Nadu Court Fee and Suits Valuation Act, 1955, for clarification is extracted hereunder:

“Where a plaint or memorandum of appeal which has often rejected by the lower Court is ordered to be received, or where a suit is remanded in appeal for a fresh decision by the lower Court, the Court making the order or remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of appeal; and if the remand is on second appeal, also on the memorandum of appeal in the first appellate Court and if the remand is in Letters Patent Appeal, also on the memorandum of second appeal and memorandum of appeal in the first appellate Court.”

7. In terms of the mandate Section 67 (1) of the Tamil Nadu Court Fee and Suits Valuation Act, 1955, no doubt it is needless to say, the Court



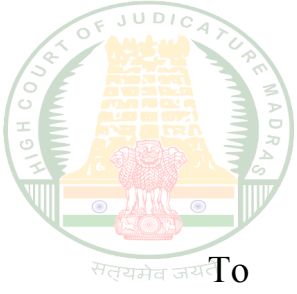
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when making the order of remand of appeal, is bound to refund the full amount of fee paid on the memorandum of appeal to the appellant. In view of the same, this Court hereby direct the learned Principal District Judge, Sivagangai, to forthwith refund the balance Court fee which was ordered to be paid and has already been paid by the petitioner in the Arbitration O.P.No. 1 of 2018. Accordingly, the question of requiring the appellant herein, to pay an amount of Rs.1,00,000/- as Court fee on petition does not arise.

8. Accordingly, this Arbitration Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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