



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

**A No. 2365 of 2025
in C.S.No.123 of 2020**

1.M/s.Olympic Warehouse Pvt Ltd.,
Rep by its Managing Director
S.Sakthivel,
No.15, Hostel Road,
Thiru Nagar, Vadapalanai, Chennai-600 026
Also at Sothupakkam Road,
(opp to NKC Weigh Bridge)
Theerhtakarai pattu Village,
Red Hills, Chennai

2. S.Sakthivel

..Applicant(s)

Vs

1.G.Lakshmi Narayanan
2.G.Ramadevi

..Respondent(s)

Prayer:- Application is filed under Order XIV Rule (8) of O.S.Rules r/w Section 151 of C.P.C., to order refund of court fees of Rs.3,27,425/- paid by the applicants/defendants in respect of the counter claim filed by them in the above suit.

For Applicant(s):
For R-1:

Mr.N.K.Sriraman
Mr.Mohanraj

ORDER

This application has been filed by the applicant to order refund of court fees of Rs.3,27,425/- paid by the applicants/defendants in respect of the counter claim filed by them in the above suit.



2. According to the applicant he is the Managing Director of the second applicant who are the defendants in the main suit. The respondent/plaintiff have filed a suit for rental arrears to the tune of Rs.1,20,95,560/-. The applicants herein have filed counter claim as against the respondents/plaintiffs to the tune of Rs.3,25,00,000/- and had paid the court fee of Rs.3,27,425/-. While so, this Court already passed conditional order dated 25.01.2022 in application No.577 of 2022 directing the applicants/defendants to deposit a sum of Rs.60,47,780/- and in compliance thereof the applicants/defendants deposited the said amount to the credit of the above suit vide DD No.170894 dated 22.03.2022 and the same is still pending with this Court. Subsequently the parties have arrived at settlement dated 22.02.2024, whereby the applicants/defendants had to pay a sum of Rs.55,00,000/- to the respondents/plaintiffs as full and final settlement towards claim. Based on the settlement agreement this Court passed decree dated 27.02.2024 and dismissed the suit as settled out of Court. The applicants/defendants have paid a sum of Rs.10,00,000/- by way of cash to the respondent/plaintiff on 22.03.2024 and the applicants/defendants paid the balance amount after deducting 10%TDS and 18% GST through Demand Draft dated 14.10.2024 drawn of Federal Bank in favour of the respondents/plaintiffs for a sum of Rs.20,16,949/- each totalling to Rs.40,33,898/-. The said DD was encashed by the respondents/plaintiff, therefore the applicants/defendants have complied with the terms of settlement agreement. Since the suit and counter



claim were settled out of Court, the applicant is entitled to refund of court fee paid for the counter claim, therefore the present application.

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3. According to the respondent there is a delay in payment of settlement amount terms of settlement have not been complied and the applicants/defendants had deducted 10% of TDS and 18% of GST without any agreement. As per settlement there are no terms for deduction of TDS and GST. So far as counter claim of the defendant is concerned though the matter has been settled out of court the court has not passed any order by dismissing the said counter claim, therefore the petition is liable to be dismissed.

4. This Court heard both sides and perused the materials available on record.

5. In this case the plaintiff filed suit for recovery of money for rental arrears to the tune of Rs.1,20,95,960/- The applicants herein have filed counter claim as against the respondents/plaintiffs to the tune of Rs.3,25,00,000/- and had paid the court fee of Rs.3,27,425/- and the plaintiffs have also paid court fee for the claim amount. Thereafter the matter has been settled between the parties through agreement dated 22.03.2022. The said agreement was recorded by this Court and based on the settlement the suit was dismissed as settled out of Court and the settlement agreement was also confirmed by decree. This Court perused



the decree and judgment passed by this Court. There is no mention about the dismissal of the counter claim. Once the settlement is recorded and the suit is dismissed the parties are entitled to refund of Court fee. The plaintiff already received court fee and the defendants did not receive refund of court fee for the counter claim, therefore filed this application. Once the defendants paid court fee for counter claim and the matter has been settled between the parties the defendants are entitled for refund of court fee paid for counter claim, therefore the petitioner is entitled for refund of court fee paid for counter claim.

6. Accordingly this petition is allowed and the Registry is directed to refund the court fee paid by the applicants/defendants for counter claim as per rules.

27-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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P.DHANABAL, J.

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