

Sri. MSM, Advocate has filed a memo stating that the matter has been amicably settled between the parties outside the Court and has prayed to dispose of the suit accordingly. The plaintiff has also sought refund of the court fee.

Smt. MNR, Advocate, submitted that she has no objection to the said memo.

Sri.MSM Advocate has filed memo of citation.

Heard both sides. Perused the memo.

The memo discloses that the parties have amicably resolved their dispute outside the Court and seek disposal of the suit in terms thereof. The learned counsel for the plaintiff has further sought refund of the court fee. In support of the said prayer, reliance is placed on the decision of the Hon'ble High Court of Karnataka in *Kamalamma & Others v. Honnali Taluk Agricultural Produce Co-operative Marketing Society Ltd.*, (2010) 4 KCCR 3211.

The said principle has also been approved by the Hon'ble Supreme Court in *The High Court of Judicature at Madras v. M.C. Subramaniam & Others* (2021), wherein it has been held that the benefit of refund of court fee extends even to lawful private out-of-court settlements.

Since the parties have voluntarily settled the dispute and there is no legal impediment to accepting the settlement, the memo deserves to be accepted. Consequently, the suit is liable to be disposed of as settled out of Court. The plaintiff is also entitled to refund of the court fee in accordance with law. Hence, the following:

ORDER

The memo filed by the plaintiff is hereby accepted.

The suit is disposed of as settled out of Court.

The plaintiff is entitled to refund of the court fee.

Office is hereby directed to refund the court fee paid by the plaintiff at the time of filing of this suit, in accordance with law, after due verification and identification.

CJ & JMFC., Savanur