

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 37628 of 2008 (D)

PETITIONER(S) :

**RADHAKUMARI, W/O.LATE ANANDAN,
KOCHULADAN HOUSE, NAYARAMBALAM P.O.
ERNAKULAM.**

BY ADV. SMT. K.V.RESHMI

RESPONDENT(S):

- 1. STATE OF KERALA, REP. BY ITS SECRETARY
TO GOVERNMENT, REVENUE DEPARTMENT, THIRUVANANTHAPURAM.**
- 2. THE DEPUTY COLLECTOR (RR)
COLLECTORATE, ERNAKULAM.**

BY ADV. GOVERNMENT PLEADER SMT. M.T.SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 37628 of 2008 (D)

ANNEXURE

PETITIOENR(S)' EXHIBITS :

EXT.P1 : TRUE COPY OF THE DECREE IN O.S.NO.204/1992 DATED 28.2.1996.

**EXT.P2 : TRUE COPY OF THE NOTICE DATED 6.2.1997 ISSUED BY THE
RESPONDENT.**

**EXT.P3 : TRUE COPY OF THE REPRESENTATION DATED 14.10.2008 SUBMITTED
BEFORE THE DISTRICT COLLECTOR**

EXT.P4. : TRUE COPY OF THE COMMUNICATION DATED 15.10.2008

RESPONDENT(S)' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.MUHAMED MUSTAQUE, J

W.P.(C).No.37628 of 2008

Dated this the 27th day of May, 2015

JUDGMENT

The petitioner in this writ petition challenges the revenue recovery proceedings initiated for recovery of the court fee payable by her.

2. The suit filed by the petitioner was decreed in her favour. The petitioner was also entitled for proportionate cost. Court fee payable by her was around Rs.49,980/-. The petitioner submits that on account of settlement between parties, she had not executed the decree and therefore the court fee cannot be paid.

3. If petitioner arrived at a settlement with the parties, it is not an excuse for non-payment of court fee.

In that view of the matter the writ petition is dismissed. No costs.

Sd/-
A.MUHAMED MUSTAQUE
JUDGE

VS