

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.R.P.(PD) No. 1060 of 2015

&

M.P. No. 1 of 2015

Mr.P.A. Jeevarathinam @ Jeevaiah

..Petitioner

Vs.

1. Mr.S. Ebi Samuel
2. Mr.A. Samuel Ramasamy
3. Mrs.M. Vijaya
4. Mrs. Krenop Samuel
5. The District Collector,
Collector Office,
Thiruvallur District,
Thiruvallur.
6. The Thasildar,
Ambattur Taluk,
Thiruvallur District,
Ambattur, Chennai - 600 053.
7. The Sub-Registrar,
Avadi Sub-Registrar Office,
Registration Department,
Avadi, Chennai - 600 054.
8. The Commissioner,
Avadi Municipal Corporation,
Avadi, Chennai - 600 054.

9. The Assistant Engineer,
Tamilnadu Electricity Board,
Thiruninravur Electricity
Distribution Circle,
Thiruninravur,
Thiruvallur District - 602 024.

..Respondents

Prayer: Civil Revision Petition as against the fair and decretal order dated 09.02.2015 passed in C.M.A. No. 27 of 2014 in I.A. No. 1313 of 2012 in O.S. No. 432 of 2011 on the file of Subordinate Judge at Poonamallee, Chennai - 600 0656.

For Petitioner :: Mr.A. Ramaswamy

O R D E R

This Civil Revision Petition has been filed as against the dismissal of C.M.A. No. 27 of 2014 by judgment dated 09.02.2015 passed by the Sub Court, Poonamallee, confirming the fair and decretal order dated 12.06.2014 passed in I.A. No. 1313 of 2012 in O.S. No. 432 of 2011 passed by the District Munsif Court, Ambattur.

2. The suit in O.S. No. 432 of 2011 was filed before District Munsif Court, Ambattur, by the petitioner, as plaintiff, for declaration, mandatory injunction and for consequent permanent injunction, stating that the sale

deed dated 29.05.2008 executed by him is not binding on him as it was obtained by fraud. After the respondents/defendants entered appearance, respondents 1 & 4/defendants 1 & 4 took out an application in I.A. No. 1313 of 2012 to reject the plaint stating that court-fee paid has to be paid as per Section 40 of Tamil Nadu Court Fees and Suits Valuation Act, 1955, in consonance with the value of the document. The Trial Court, after hearing both parties, in paragraph No.15, observed that the valuation made under Section 25(d) of Tamil Nadu Court Fees and Suits Valuation Act, 1955, is wrong and that court-fee has to be paid under Section 40 of the said Act and granted two months' time to pay the court-fee as per the order. The said order was challenged before the Appellate Court in C.M.A. No. 27 of 2014. However, by judgment dated 09.02.2015, the order passed by the Trial Court was confirmed and the petitioner was granted two weeks' time to pay the court-fee. The said judgment is under challenge in this civil revision petition.

3. Heard the learned counsel for the petitioner.

4. When this Court pointed out that the order of the Trial Court, as confirmed by the Appellate Court, only directs the petitioner to pay the appropriate court-fee under Section 40 of the above said Act, the learned counsel for the petitioner sought time to pay the court-fee as per the order

passed by the Trial Court.

N. KIRUBAKARAN,J.

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5. Taking into consideration the said request of the learned counsel for the petitioner, time granted by the Appellate Court, namely, two weeks, from 9th February, 2015, is extended upto **12th April, 2015.**

6. The above order is passed only to enable the petitioner to comply with the order passed by the Trial Court, as confirmed by the Appellate Court and no prejudice is caused to the respondents, by passing the said order. The Civil Revision Petition is disposed of accordingly. No costs. Connected M.P. is closed.

12.03.2015

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(Note to Office: Issue today)

To

The Sub Court, Poonamallee

The District Munsif Court, Ambattur.

C.R.P.(PD) No. 1060 of 2015