

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2015

Coram

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P.(NPD) No. 1209 of 2015

D.Govindaraj

.. Petitioner

.. Vs ..

1.Rajammal

2.Selvaraj

3.Govindaraj

4.Kumar

5.Devarajan

6.T.S.Arunachalam

.. Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Subordinate Judge, Dharmapuri, to number the suit filed on 03.09.2014 as unnumbered suit No.4531/2014 and try in accordance with law.

For Petitioner : Mr.V.Vijayakumar

ORDER

The plaintiff in the unnumbered Suit filed on 03.09.2014, on the file of Sub Court, Dharmapuri, has filed the above Civil Revision Petition.

2.The Suit filed by the plaintiff for declaration and permanent injunction was returned by the Subordinate Court, Dharmapuri, for compliance with regard to payment of Court Fee.

3.The petitioner/plaintiff paid fixed Court Fee for the relief sought for in the Plaint. On 06.01.2015, the Sub Court, Dharmapuri, returned the Plaint for compliance stating that the Court Fee has to be paid under section 27(c) of the Court Fees Act. Aggrieved over the same, the petitioner/plaintiff has filed the above Civil Revision Petition.

4.The learned counsel for the petitioner submitted that in view of the Judgment of this Court in the case of *SIDDHA CONSTRUCTION (P) LTD., v. M.SHANMUGAM [2006(5) CTC 255]*, the Court Fee paid by the petitioner/plaintiff is just and proper.

5.However this submission shall be made before the trial Court in numberring the Suit. In these circumstances, I give liberty to the petitioner/plaintiff to advance his argument with regard to the Court Fee payable by him before the Sub Court, Dharmapuri. The petitioner/plaintiff shall advance his submissions before the trial Court with regard to payment of Court Fee, within a period of one week from the date of receipt of a copy of this order and if the trial Court accepted the case of the petitioner/plaintiff, the trial Court may number the Suit.

With these observations, the Civil Revision Petition is disposed of. No costs.

09.04.2015

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Note:Registry to return the original Plaint to the counsel for the petitioner for representing the same before the Sub Court, Dharmapuri forthwith.

To

- 1.The learned Sub Judge, Dharmapuri.
- 2.The Section Officer, V.R.Section.

**M.DURAI SWAMY,J.
rpa**

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