

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(PD)Nos.1330 & 1331 of 2015 &

M.P.Nos. 1 & 1 of 2015

1.Rangasamy
2.Vivekanandan

... Petitioner in both CRPs

v.

1.Kalaimani
2.Raghupathy
3.Manoj
4.Rajkumar

... Respondents in CRP No.1330/2015

1.R.Rangasamy
4.Rajkumar

... Respondents in CRP No.1331/2015

Civil Revision Petition No.1330 of 2015 is filed under Article 227 of the Constitution of India against the fair and decretal order dated 13.02.2014 made in I.A.No.827 of 2011 in O.S.No.1542 of 2005 on the file of III Additional District Munsif Court, Coimbatore.

Civil Revision Petition No.1331 of 2015 is filed under Article 227 of the Constitution of India against the fair and decretal order dated 13.02.2014 made in I.A.No.826 of 2011 in O.S.No.1540 of 2005 on the file of III Additional District Munsif Court, Coimbatore.

For Petitioners : Mr.v.Ananamurthy

COMMON ORDER

Challenging the fair and final orders passed in I.A.Nos.826 and 827 of 2011 in O.S.No.1540 and 1542 of 2005 on the file of III Additional District Munsif Court, Coimbatore, the plaintiffs have filed the above Civil Revision Petitions.

2. The plaintiffs filed the suits in O.S.No.1540 & 1542 of 2005 for declaration and recovery of possession. The suits were filed in the year 2005. The defendants filed their written statements in December 2005. Thereafter, in the year 2011, the defendants filed applications in I.A.Nos.826 and 827 of 2011 to decide the issue with regard to the payment of court fee under section 12(2) of the Tamil Nadu Court Fees Act as preliminary issue. The said applications were opposed by the plaintiffs stating that the court fee paid by them is proper.

3. The trial court, after taking into consideration the case of both the parties, found that the court fee paid by the plaintiffs under section 25(A) of the Tamil Nadu Court Fee Act is just and proper. That part, the trial court dismissed both the applications on the ground that the present applications have been filed at the belated stage.

4. As already stated, since the suits were filed in the year 2005 and the written statements were also filed in the year 2005 itself, the defendants could have filed the applications at the earliest point of time. But, the applications were filed after a lapse of six years.

5. In these circumstances, I do not find any merit in the Civil Revision petitions. Accordingly, the Civil Revision petitions are dismissed. However, it is open to the revision petitioners to canvass the issue with regard to the payment of court fee at the time of arguing the suits before the trial court. The trial court shall decide the suits on merits and in accordance with law without being influenced by any of the observations given either in these Civil Revision Petitions or in the Interlocutory Applications in I.A.Nos.826 and 827 of 2011 in O.S.No.1540 & 1542 of 2005. No costs. Consequently, connected miscellaneous petitions are closed.

06.04.2015

Index : No
Internet : Yes
Rj

To

The III Additional District Munsif Court,
Coimbatore.

M. DURAISWAMY J.

Rj

C.R.P.(PD)Nos.1330 & 1331 of 2015

06.04.2015