

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1456 of 2015

M.Kasi

... Petitioner

v.

Selvaperumal

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.02.2014 made in I.A.No.15540 of 2013 in O.S.No.12358 of 2009 on the file of I Assistant City Civil Judge, Chennai.

For Petitioner : Mr.V.S.Mannarsamy

For Respondent : Mr.Sundar Rajan

ORDER

Challenging the fair and final order passed in I.A.No.15540 of 2013 in O.S.No.12358 of 2009 on the file of I Assistant Judge, City Civil Court, Chennai, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.12358 of 2009 for declaration and for other reliefs.

3. Earlier, the defendant filed an application in I.A.No.12755 of 2012 under Order VII, Rule 11 of CPC to reject the plaint and after contest, the Trial Court, dismissed the application. Aggrieved over the same, the defendant preferred a Civil Revision Petition in C.R.P.(PD)No.886 of 2013 and this court by order dated 13.3.2013, while dismissing the Civil Revision Petition, directed the Trial Court to frame an issue with regard to section 12 of the Tamil Nadu Court Fees and Suit Valuation Act and try the same as preliminary issue.

4. Pursuant to the orders of this court, the Trial Court framed preliminary issue and the Trial Court, after hearing both sides found that the plaintiff has to pay court fees as per section 40 of the Tamil Nadu Court Fees and Suit Valuation Act. Thereafter, the plaintiff filed an application in

I.A.No.15540 of 2013 to review the order dated 3.10.2013 directing the plaintiff to pay the additional court fee.

5. The learned counsel appearing for the revision petitioner submitted that the plaintiff made his submissions only with regard to the preliminary issue framed by the Trial Court and that the plaintiff has not let in any oral or documentary evidences.

6. On a perusal of the order, it is clear that the Trial Court has not prevented the plaintiff from adducing oral and documentary evidences. In these circumstances, the Trial Court, after taking into consideration the submission made by the learned counsel on either side, directed the plaintiff to pay the court fee under section 40 of the Tamil Nadu Court Fees and Suit Valuation Act.

7. When there is no error apparent on the face of the record warranting review of the order, the Trial Court has rightly dismissed the application in I.A.No.15540 of 2013.

8. In these circumstances, I do not find any any reason to interfere with the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. The petitioner-plaintiff is granted two weeks time to pay the court fees under section 40 of the Tamil

Nadu Court Fees and Suit Valuation Act.

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

Index : No
Internet : Yes

15.07.2015

Rj

To

I Assistant Judge,
City Civil Court,
Chennai,

M. DURAISWAMY,J.,

Rj

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