

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.5060 of 2013

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ORDER:

Heard Sri P.Srinivasa Rao, learned counsel for petitioner, Sri Ms.Sundari Pisupati, learned counsel for respondent Nos.2 and 3 and M/s.Bhaskari Advocates for 4th respondent.

2. The petitioner has filed this Revision challenging the order

dt.14-08-2013 in I.A.No.380 of 2013 in O.S.No.530 of 2004 of the Principal Junior Civil Judge, Amalapuram refusing to reject the plaint on the ground that plaintiffs/petitioner Nos.1 to 4 had undervalued the relief in the suit.

3. This application was opposed by respondent Nos.1 to 3.

4. The Court below had already framed an issue to the effect "whether the Court fee paid by plaintiffs is incorrect?"

5. Since the trial had already commenced and matter is coming up for cross-examination of P.W.1, the Court below had held that since the issue on the correctness of

the Court fee was already framed and since the evidence has already commenced, the issue as to whether the plaintiffs/respondent Nos.1 to 4 had correctly valued the suit or not, would be decided at the time of hearing and that it is premature to decide it after trial has commenced.

6. Although the learned counsel for petitioner sought to contend that this order cannot be sustained, I am of the opinion that since the trial in the suit has already commenced, the Court below is right in stating that the issue “whether the Court fee paid by plaintiffs is incorrect” is more appropriately considered at the time when the suit is decided and that the petitioner cannot insist that it should be decided at this stage.

7. Therefore, this Civil Revision Petition is dismissed directing the Court below to decide the said issue when it decides the suit finally. No costs.

8. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 25-06-2015

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