

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NO.3261 OF 2015

ORDER

Heard both the counsel at the stage of admission.

2. The petitioner herein is the 3rd defendant in the suit and the 1st respondent is the plaintiff. The plaintiff filed the suit for partition, permanent injunction and for other reliefs. The revision petitioner filed petition under Order VII Rule 11 of CPC, to reject the plaint for want of territorial jurisdiction, cause of action and for non-payment of court fee.

3. From the material on record and the impugned order, it could be seen that the suit schedule property is located within the jurisdiction of court, and the plaintiff has narrated the facts showing the cause of action and also paid the requisite court fee, therefore, the trial court rejected the contention of the present petitioner and as rightly held by the trial court, that even if the court fee paid is not sufficient, the same can be collected by issuing memo to the plaintiff and as the petitioner made unwarranted comments that the court erroneously numbered the suit, while dismissing the petition, imposed costs of Rs.1000/-. I do not find any reason to interfere with the impugned order and the revision is devoid of any merits and the same is dismissed. No costs.

4. Miscellaneous petitions pending if any, shall stand closed.

AVS

08—09—2015

