

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2548 of 2016 and
CMP.No.13062 of 2016

R.Kalaiselvan

...Petitioner

versus

Balasubramanian

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, set aside the order dated 01.06.2016 made in O.S.No.104 of 2009 on the file of Sub Court, Attur, Salem District.

For Petitioner : Mr.K.N.Nataraj

For Respondent : Mr.T.Murugamanickam

ORDER

The Trial Court passed an order directing the petitioner to pay additional Court fee taking into account the valuation of the vehicle, which is the subject matter of the suit. Feeling aggrieved, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3.The petitioner filed the suit in O.S.No.179 of 2000, before the learned District Munsif Attur, which was re-numbered as O.S.No.104 of 2009 on the file of Sub-Court, Attur. The suit was filed praying for a decree, declaring that he is not the lessee under the respondent in respect of the vehicle shown in the schedule to the plaint. The suit was opposed by the respondent by filing written statement, wherein, it was contended that the value of the vehicle was grossly underestimated.

4. The Trial Court passed an order in I.A.No.718 of 2015 directing the petitioner to pay additional Court Fee taking into account the value of the vehicle.

5. The respondent filed a suit in O.S.No.118 of 2012. The respondent valued the suit relief at Rs.2,00,000/-. The petitioner is bound to pay the Court Fee taking into account the valuation made by the respondent in O.S.No.118 of 2012. There is no question of directing the petitioner to pay additional Court Fee taking into account the market value of the vehicle. I am therefore of the view that the learned Trial Judge was not correct in directing the petitioner to pay additional court fee.

6. The petitioner is directed to pay Court Fee taking into account the valuation of the vehicle in question as found in O.S.No.118 of 2012. However, I make it clear that he is not liable to pay the Court Fee as determined by the learned Trial Judge.

7. The petitioner is given four weeks' time from the date of receipt of a copy of this order to pay the balance court fee.

8. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

21.09.2016

Index : Yes/No

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To

The Sub Court, Attur, Salem District.

K.K.SASIDHARAN, J.

(svki)

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