

**HON'BLE SRI JUSTICE R. KANTHA RAO**

**Civil Revision Petition No.4250 of 2015**

**ORDER:**

Heard Sri Pappu Srinivasa Rao, learned counsel appearing for the revision petitioner. Since, the issue relates to payment of court fee before registering the suit, this court is of the view that notice to opposite party is not necessary while disposing of this revision petition.

2. This civil revision petition arises out of the order dated 10.08.2015 in OS SR No.3102 of 2014 on the file of the learned Senior Civil Judge, Peddapuram, in returning the plaint.

3. The revision petitioner/plaintiff instituted the suit for recovery of possession of the schedule mentioned immovable property together with standing crop thereon by evicting the defendant there from and also for recovery of Rs.2,55,000/- towards damages and for determination of future profits. The trial court returned the plaint on the ground that proper court fee has not been paid taking the view that though both the reliefs arise out of the same cause action, the reliefs claimed are different and distinct and consequently directing the petitioner to pay the court fee separately under Section 40(2) and Section 20 of the AP CF & SV Act, 1956.

4. Section 6 of the A.P. Court Fee & Suits Valuation Act, 1956 lays down that any suit of which separate and distinct reliefs from the same cause action are sought, the plaint shall be chargeable with aggregate value of the relief.

5. Therefore, the civil revision petition is disposed of directing the revision petitioner to pay the court fee basing on the aggregate value of both the reliefs. No order as to costs. Miscellaneous petitions pending if any in this revision shall stand closed.

The Registry is directed to return the original plaint to the revision petitioner.

R. KANTHA RAO, J

Date: 29.01.2016  
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14

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**Date: 29.01.2016**

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