

.HONOURABLE SRI JUSTICE S.RAVI KUMAR  
CIVIL REVISION PETITION No.2868 OF 2008

Dated 7-4-2016

Between:

\_\_\_\_\_ Ahmed Ataullah and others.

\_\_\_\_\_..Petitioners.

And:

\_\_\_\_\_ Dawood Sahab and others.

\_\_\_\_\_..Respondents.

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ORDER:

This C.R.P. is filed questioning the order dated 30-6-2008 in O.S.No.59 of 2007 on the file of Senior Civil Judge, Siddipet, wherein plaintiffs were directed to pay court fee on the mesne profits claimed in the plaint.

Advocate for the revision petitioners submitted that inadvertently, this amount of Rs.20,000/- was typed in the prayer portion and nowhere in the plaint anything is pleaded nor there is any reference about future profits or past profits in stead of praying for grant of mesne profits to be determined by way of separate application from the date of suit till the date of possession, it was typed as a claim for Rs.20,000/-.

As seen from the impugned order, during inspection, Inspecting Officers pointed out the objection on the basis of which a check slip was issued to the plaintiffs and the plaintiffs contended that as the profits claimed are only in respect of future mesne profits, there is no need to pay any court fee. Principal Senior Civil Judge, Siddipet has not accepted the contention of the plaintiffs and by invoking provision under Section 41 (1) of A.P.Court Fees and Suits Valuation Act, 1956 directed the plaintiffs to pay

additional court fee of Rs.5,726/- on or before 15-7-2008. On a verification of pleadings and prayer, it is clear that plaintiffs themselves quantified future mesne profits. Therefore, the trial court is right in directing the plaintiffs to pay court fee.

Considering the submission of revision petitioners, petitioners can only make a request to the lower court to delete the claim for mesne profits from the prayer portion otherwise, they have to pay court fee.

This Civil Revision Petition is disposed of accordingly. No costs.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE S.RAVI  
KUMAR

Dated 7-4-2016.  
Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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