

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CIVIL REVISION PETITION No. 2831 of 2012

ORDER:

The father of the petitioner filed a suit against the respondent/defendant on the file of the Judicial Magistrate of First Class at Banaganapalle for recovery of money on the basis of a promissory note. The lower Court returned the plaint as proper Court fee was not paid. Thereafter, an application in I.A.No.410 of 2012 in CFR No.3019 of 2011 was filed seeking to condone the delay of 195 days in remitting the deficit Court fee. The said application was dismissed by an order, dated 23.02.2012. Questioning the same, the present civil revision petition is filed.

Having considered the submission of the learned counsel for the petitioner that as the plaintiff, who is father of the petitioner, died due to ill health after filing of the suit, and that there is a communication gap between the petitioner and his counsel appearing before the lower Court, the deficit Court fee could not be deposited in time, and taking into account the totality of the circumstances of the case, the lower Court is directed to number the suit and adjudicate the same on merits, as expeditiously as possible.

With the above direction, the Civil Revision Petition is disposed of.

Consequently, miscellaneous petitions if any pending in the revision shall stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

23rd October, 2017
cbs



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