



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 05.09.2018  
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.706 of 2016

W.P.A.S.Pandiyanathan Baskaran ... Petitioner/Petitioner/  
Plaintiff

Vs.

1. K.Mujeeb Rahman  
2. T.Lukman  
3. Pallipattu Thomban Riyad ... Respondents/Respondents/  
Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair order and decretal order in I.A.No.205 of 2012 in unnumbered O.S.No. of 2012 on the file of the Principal District Court, Dindigul, dated 17.02.2015.

For Petitioner : Mr.S.Ramesh  
For R-1 & R-2 : Mr.J.Barathan,  
for Mr.T.R.Jeyapalam.  
For R-3 : Mr.R.Subramanian

### ORDER

The Revision petitioner filed a plaint before the Court below seeking the relief of specific performance. The suit has been valued at Rs.2,93,49,255/-. The Court fee payable is Rs.22,01,195/-. Such a plaint was presented with the payment of Court fee of Rs.15,000/-. The Revision petitioner filed I.A.No.205 of 2012 for extension of time to pay the deficit Court fee. Such application was kept pending without disposal till February 2015. When the said application was taken up for disposal, the Court below dismissed the said application by order dated 17.02.2015. The correctness of the said order is questioned in this Civil Revision petition.

2. The learned Judge who passed the impugned order in this Civil Revision petition, has given convincing reasons demonstrating the complete lack of bonafides on the part of the Revision petitioner. The plaint was filed on 07.03.2012. But the stamp papers were purchased on 18.07.2011 itself. The plaint was returned on 12.03.2012 calling upon the Revision petitioner to rectify the defects mentioned in the return. The Revision petitioner



re-presented the plaint on 30.04.2012 without rectifying the defects. Therefore, once again the plaint was returned. Like this process was going on.

3. This Court is of the view that the limitation for re-presentation ended on 09.09.2012. Only after the expiry of the limitation period, the present I.A.No.205 of 2012 was filed. No application was taken out for condoning the delay in re-presentation. Thus the Revision petitioner is also facing a technical impediment. In any event, filing a suit for specific performance valued at Rs.2,93,49,255/-, by paying a Court fee of Rs.15,000/- alone is sufficient to nonsuit him.

4. This Court concurs with the reasons given by the Court below that the Revision petitioner demonstrated complete lack of bonafides. There is no merit in this Civil Revision petition. The Civil Revision petition stands dismissed, accordingly. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Principal District Judge,  
Dindigul.

2. The Record Keeper, V.R.Section,  
Madurai Bench of Madras High Court, Madurai. **(2 copies)**

+1CC to Mr.R.Subramanian, Advocate, SR.No.82604

+1CC to Mr.T.R.Jeyapalam, Advocate, SR.No.82556

+1CC to Mr.V.Raghavachari, Advocate, SR.No.82616

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PMU

ES/RP/SAR 4/25.10.2018/2P/7C