



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.1713 of 2018

Mr.Rajendran

... Petitioner/Plaintiff

Vs.

1.Ramasamy
2.Rajalakshmi
3.Sivakumar

... Respondents 1 to 3/
Defendants 1 to 3

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 26.08.2016 passed in O.S.S.R.No.5036/ dated 18.04.2016 on the file of the Principal District Court, Dindigul.

For Petitioner : Mr.D.Selvaraj

ORDER

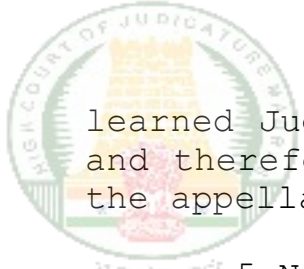
This Civil Revision Petition is filed against the order dated 26.08.2016 passed in O.S.S.R.No.5036/ dated 18.04.2016 on the file of the Principal District Court, Dindigul.

2.According to the petitioner, the petitioner has filed a suit in O.S.SR.No.5036/dated 18.04.2016 before the Principal District Court, Dindigul for specific performance, based on the sale agreement, dated 15.07.2008 against the defendants. On presentation of the plaint, the learned Principal District Judge, Dindigul has rejected the plaint on 26.08.2016 on the ground that though the agreement was executed on 15.07.2008, the plaintiff has filed the suit only in the year 2016, above the limitation period. Challenging the said order, the present civil revision petition has been filed.

3.I have heard the learned counsel for the petitioner and perused the materials placed before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Admittedly, the Registry has made a query about the numbering of the civil revision petition on the ground that the



learned Judge has rejected the plaint and not returned the plaint and therefore, the petitioner ought to have file an appeal before the appellate Court.

5. Now, the learned counsel for the petitioner represented before this Court that at the time of filing the suit, he valued the suit property and paid a Court fee of Rs.8,39,160/- and hence, the petitioner/plaintiff seeks a direction to the learned Principal District Judge, Dindigul to refund the Court Fee. Therefore, I am inclined to pass the following order:

The Civil Revision Petition is dismissed and the order passed in O.S.S.R.No.5036/dated 18.04.2016 is confirmed and since the suit has been rejected without numbering, the learned Judge is directed to refund the Court fee of Rs.8,39,160/- paid by the petitioner/plaintiff, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal District Judge,
Dindigul.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.SELVARAJ, ADVOCATE IN SR No. 77090

NS

TE/SKN/SAR-2 : 03/09/2018 : 2P/5C

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