

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2019

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P.(PD).No.1508 of 2013 &
M.P.No.1 of 2013

Rangaraju

.. Petitioner

..Vs..

1.Thunaivan
2.Arumugam

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order of the learned District Munsif, Perambalur dated 08.01.2013 in I.A.No.996 of 2011 in O.S.No.35 of 2002.

For Petitioner : Mr.T.M.Hariharan

For Respondents : Mrs.M.Abbiraami

for Mr.J.Ramakrishnan

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ORDER

The instant revision has been filed challenging the dismissal of an application filed by the petitioner who is the plaintiff in the suit O.S.No.35 of 2002 on the file of the learned District Munsif, Perambalur to reject the counter claim filed by the respondents who are the defendants in the suit.

2. The Trial Court has dismissed I.A.No.996 of 2011 filed by the petitioner on the ground that the respondents eventhough did not pay court fees at the time of making the counter claim, they had subsequently paid the same during the pendency of the suit. Admittedly, written statement along with the counter claim was filed in the year 2002 and court fees was not paid along with the counter claim, but was paid on 28.10.2009 in compliance with the directions of the Trial Court by its order dated 22.10.2009. Anyway, the court fees for the counter claim amount was paid during pendency of the suit. Considering all these factors, the Trial Court rejected I.A.No.996 of 2011 filed by the petitioner/plaintiff for rejection of the counter claim.

3. This Court has examined the impugned order and does not find any infirmity in the same. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2019

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders

To

The District Munsif, Perambalur



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ABDUL QUDDHOSE, J.

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