

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.2075 OF 2019

Rajeswari

... Petitioner

Vs.

1.R.Sundari

2.Gowthami

3.R.Vanisri

4.Kalyani

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the docket order dated 06.02.2019 in O.S.SR.No.75088 of 2018 on the file of the I Assistant City Civil Court at Chennai by allowing the above Civil Revision Petition.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondents : No Appearance

ORDER

The petitioner is the plaintiff. She filed a suit for restoration of possession under Section 6 of the Specific Relief Act. The Civil Court has returned the plaint on the ground that the plaintiff has to pay half of the market value as Court fee, as per Section 29 of the Tamil Nadu Court Fees and Suits Valuation Act.

2. I have considered the matter.

3. A perusal of the plaint shows that the relationship between the petitioner and the respondents is that of landlord and tenant. The case of the petitioner is that she has been dispossessed by the respondents without following due process of law. The shop which was under her occupation was demolished and she is deprived of her livelihood. Hence, she filed a petition to restore the possession.

4. The Trial Court has rejected the plaint on the ground that sufficient Court Fee has not been paid by the petitioner. It is not a suit

for recovery of possession on the basis of title. But a simple suit by the tenant for reinduction. In such circumstances, the rejection on the ground of non-payment of Court Fee on half of the market value of the suit property is not correct. Therefore, the Trial Court is directed to accept the plaint, number and disposal of the same in accordance with law.

5. The Civil Revision Petition is disposed of with the above observation and direction. No costs.

20.08.2019

bkn/tk

Index:Yes / No

Speaking order / Non speaking order

WEB COPY

C.R.P.(PD) No.2075 of 2019

M.GOVINDARAJ, J

bkn/tk

To

1. The I Assistant City Civil Court at Chennai



C.R.P.(PD) No.2075 OF 2019

WEB COPY

20.08.2019