

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Civil Revision Petition No.2993 of 2019
and C.M.P.No.19324 of 2019

1.Karpagam

2.E.Neelakandan

... Petitioners/Defendants

-Vs-

E.Varalakshmi

... Respondent/Plaintiff

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order dated 15.02.2019 in I.A.No.13766 of 2018 in O.S.No.7007 of 2008 on the file of the VIII Assistant Judge (Fast Track Court) V-Assistant Court, City Civil Court, Chennai.

For Petitioners : Mr.R.Karunakaran

O R D E R

This Civil Revision Petition has been filed against the fair and decreetal order dated 15.02.2019 in I.A.No.13766 of 2018 in O.S.No.7007 of 2008 on the file of the VIII Assistant Judge (Fast Track Court) V-Assistant Court, Chennai.

2. The revision petitioners, who filed the I.A., before the Court below are the defendants and they filed the said I.A., seeking permission under Order VIII Rule 9 to file a written statement, where a copy of the additional written statement seems to have been filed along with the I.A., wherein it seems that the petitioners have raised the ground of alleged deficit court fee, as according to them, the plaintiff valued the suit for only Rs.50,000/- and has paid a court fee of Rs.3,750/- under Section 30 of the Tamil Nadu Court Fees and Suit Valuation Act, 1955. In view of the alleged under valuation of the suit, that point has to be raised by way of additional written statement and therefore the said permission was sought for.

3. Heard the learned counsel for the petitioner, who reiterated the stand of the revision petitioners in his submissions.

4. I have also gone through the impugned order, where the learned Judge has discussed the issue in detail. It is to be noted that the very same petitioners already filed an application in I.A.No.2902 of 2018 to reject the plaint, where also they raised the very same ground of deficit court fee and the same has been considered and rejected by the Court below.

5. Moreover, the additional written statement in respect of the amended prayer, which has already been done, was also filed on 23.07.2015 and the case is at the stage of trial and only at this stage, the present application has been filed for filing second additional written statement, raising the very same ground of alleged deficit court fee, though the same has already been dealt with and concluded by the dismissal of the earlier I.A., filed by the very same petitioners.

6. Citing these reasons, the learned Judge rejected the said application, through the impugned order, and after having gone through the same, this Court finds no infirmity in the said order, as the ground viz., alleged deficit court fee, has already been raised by the petitioners and therefore, the same cannot be once again raised and on that ground, the petitioners cannot seek the indulgence of this Court to file one more additional written statement.

7. Therefore, the rejection of the interlocutory application filed by the petitioners is justifiable and sustainable. In that view of the matter, the Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

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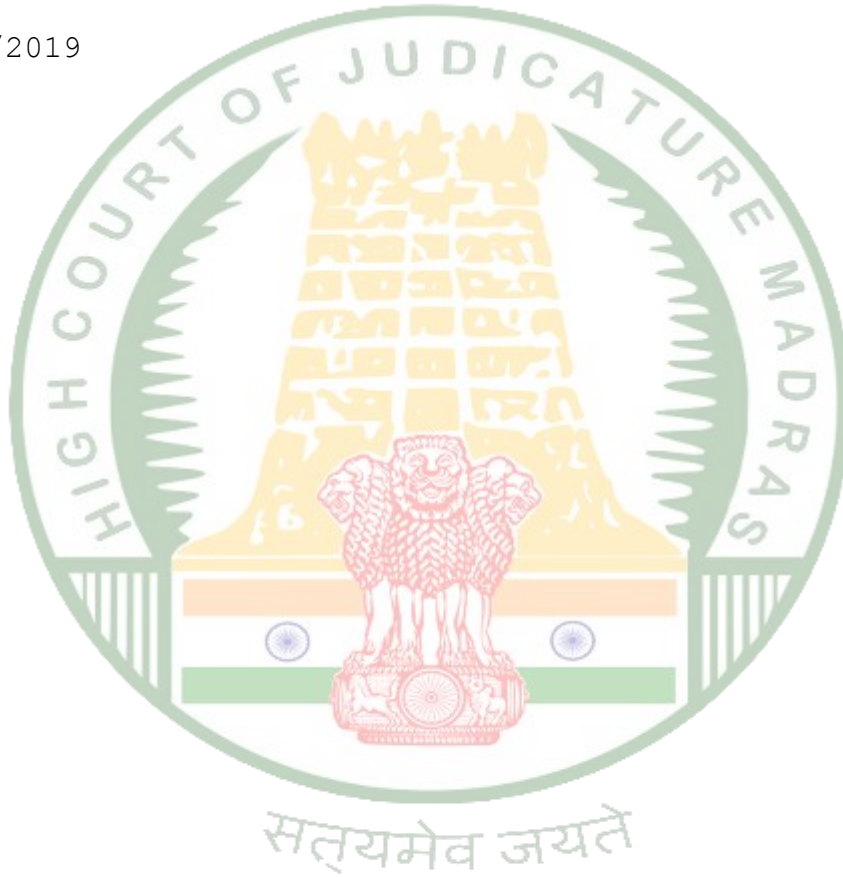
Sub Assistant Registrar

KST
To

VIII Assistant Judge (Fast Track Court),
V-Assistant Court, City Civil Court, Chennai.

C.R.P.No.2993 of 2019

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srg 15/10/2019



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