

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.3586 of 2014 and
M.P.No.1 of 2014

S.Cibi ... Petitioner

Vs.

1.The Authorized Officer,
State Bank of Travancore,
IV, 260, VV Complex,
Coimbatore - 641 044.

2.T.P.Saminathan

3.The Registrar,
Debts Recovery Appellate Tribunal,
Ethiraj Salai, Chennai - 600 008.

... Respondents

Petition filed under Article 227 of the Constitution of India against the order dated 09.09.2014 made in AIR No.487 of 2014 on the file of the 3rd respondent in directing the petitioner to pay the deficit Court fee and the waiver application.

For Petitioner : Mr.K.J.Parthasarathy
for Mr.R.Ravindran

For Respondents : Mr.P.L.Thulasidass (R1)
R2 - no appearance

O R D E R

(Order of the Court made by M.Duraiswamy, J.)

Challenging the order passed in AIR (SA).No.487 of 2014 on the file of the Debt Recovery Appellate Tribunal, Chennai, the petitioner has filed the above Civil Revision Petition under Article 227 of the Constitution of India.

2.Challenging the order passed in S.A.No.276 of 2012 on the file of the Debts Recovery Tribunal, Madurai, the petitioner preferred an appeal in AIR (SA).No.487 of 2014 before the Appellate Tribunal. The Appellate Tribunal raised a query with

regard to the payment of deficit Court fees and by order dated 12.09.2014 returned the papers for paying the deficit Court fees in accordance with the provisions of Rule 13(2)(d) of the Security Interest (Enforcement) Rules.

3.As per Rule 13(2)(d) of the Security Interest (Enforcement) Rules where the applicant is an aggrieved party other than the borrower and where the amount of debt is more than Rs.10 lakhs, he has to pay Rs.1,250/- + Rs.125/- for every Rs.1 lakh or part thereof in excess of Rs.10 lakhs subject to a maximum of Rs.50,000/-

4.Before the Appellate Tribunal, the petitioner contended that he is not liable to pay the Court fees as per Rule 13(2)(d) of the Rules. Challenging this order, the petitioner has filed the above Civil Revision Petition.

5.When the matter is taken up for hearing, the learned counsel appearing for the petitioner fairly submitted that the issue involved in the present Civil Revision Petition has been decided in the decision of this Court reported in 2017-1-L.W. 531 [P.Murugan Vs. The Registrar, Debt Recovery Appellate Tribunal, 55, Wellington Estate, Ethiraj Salai, IV Floor, Chennai - 600 105 and others] and therefore, the petitioner is liable to pay the Court fees as per the provisions of Rule 13(2)(d) of the Security Interest (Enforcement) Rules. The learned counsel further submitted that two weeks time may be granted to the petitioner to pay the deficit Court fees as claimed by the Appellate Tribunal.

6.In view of the submission made by the learned counsel on either side, while confirming the order passed by the Appellate Tribunal, we grant two weeks time for the petitioner to pay the deficit Court fees as per Rule 13(2)(d) of the Security Interest (Enforcement) Rules, from the date of receipt of a copy of this order.

7.With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

va

+1 CC to Mr.R.Ravindran, Advocate sr 20566.
+1 CC to Mr.P.L.Thulasidass, Advocate sr 19862.

C.R.P. (PD) .No.3586 of 2014 and
M.P.No.1 of 2014

PM(CO)
SP(25/03/2019)



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