

ORDER

This Civil Revision petition is directed against the rejection of application filed under Order VI R.17 r/w. 151 C.P.C to amend the plaint.

2. The case of the petitioner is that he filed the above suit for declaration of an assignment deed dated 17.12.2005 as null and void and to set aside the same. It is submitted by him that the suit was valued u/s. 25(d) of the Tamil Nadu Court Fees and Suits Valuation Act, 1965 (hereinafter referred to as the 'Act') at Rs.1000/- and a sum of Rs.75.50p is paid as Court fee. According to the plaintiff, it is wrongly typed as u/s. 27(c) of the Act instead of Sec.25(d) of the Act. Therefore, he seeks amendment of the valuation column.

3. According to the respondents, they filed the petition for rejection of plaint under Or.VII R.11 C.P.C on the ground that the suit should have been filed u/s. 40 of the Act as the value of the subject matter of the suit is 1.2 crores and appropriate Court fee should have been paid.

4. The Trial Court has allowed the application for rejection of plaint on the ground that the suit should have been valued u/s. 40 of the Act and directed payment of deficit court fees within one month. This Court also in CRP (PD) No.1463 of 2017 filed along with the revision confirmed the finding of trial Court. Hence, the present petition for amendment to amend the provision under the Tamil Nadu Court Fees and Suits Valuation Act, 1955, from Section 27(c) to Section 25(d) will not serve any purpose. Since a clear finding is given that the suit should be valued u/s.40 of the Act, if the petitioner wants to make an amendment, the valuation column should be amended as u/s. 40 of the Tamil Nadu Court Fees and Suits Valuation Act, 1965. The Trial Court rightly held as such. Therefore, I do not find any discrepancy in the order passed by the Trial Court. Accordingly, the Civil Revision petition is dismissed. No costs. Connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking order
KPR/TK

02.03.2020

C.R.P.(PD).No.1464 of 2017

M.GOVINDARAJ, J.

kpr/tk

To
The V Additional District Judge, Coimbatore.



Pre-Delivery order
in
C.R.P.(PD).No.1464 of 2017

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02.03.2020