

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP.(PD).No. 4058 of 2016

and

C.M.P.No. 20499 of 2016

Jacob Mathew

... Petitioner

Vs.

1.Chinnammal

2.Kalavathi

3.Srinivasan

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the order dated 29.09.2015 made in I.A.No.717 of 2015 in O.S.No.267 of 2009 on the file of the Principal District Munsif Court at Ponnammallee.

For Petitioner : Mr.T.Arunkumar

For Respondents : Mr.Vijayanand
for Mr.S.Balasubramanian

ORDER

This Civil Revision Petition is directed as against order dated 29.09.2015 made in I.A.No.717 of 2015 in O.S.No.267 of 2009 on the file of the Principal District Munsif Court at Ponnammallee, thereby allowing the petition for amendment.

2. The petitioner is the defendant. The respondents are the plaintiffs. The respondents have filed a suit in O.S.No.267 of 2009 by initiating for bare injunction in respect of the said property. Pending suit, they filed a petition in I.A.No.1413 of 2009 to amend the plaint and to include the prayer of declaration in respect of the same property. The same allowed in the year 2009 itself.

3. Though the plaint was amended to the prayer of declaration, the court fees was not paid by the respondents. Even during the cross examination of PW.1, the respondents filed a petition to amend the court fees. The same was rightly allowed by the court below. Accordingly, the respondents paid the court fees and trial is in progress.

4. Therefore, this Court does not find any irregularity or infirmity in

the order passed by the Court below. However, the petitioner is at liberty to raise objections in respect of payment of court fees, valuation of the suit property as well as territorial jurisdiction.

5. Accordingly, the Civil Revision Petition is dismissed. No Costs.

08.02.2021

Speaking/Non-speaking order

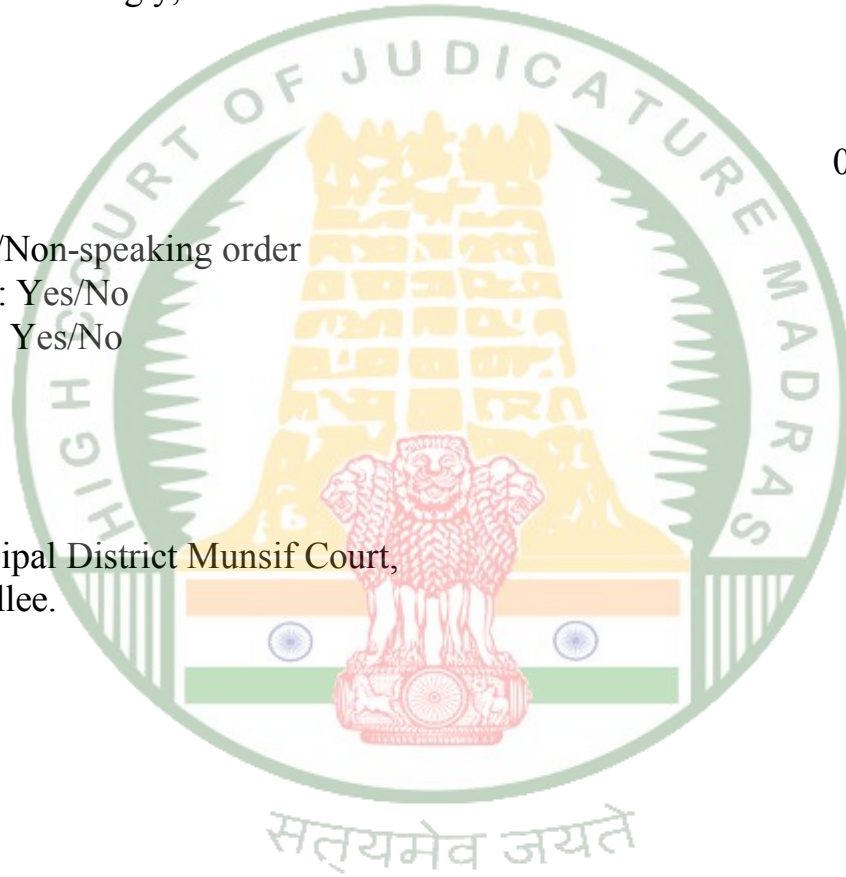
Index : Yes/No

Internet : Yes/No

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To

The Principal District Munsif Court,
Ponnamallee.



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G.K.ILANTHIRAIYAN,J.

dm



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