

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

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

CRP.PD.No.3771 of 2018

and

CMP.No.21117 of 2018

M.Anbazhagan

..Petitioner

Vs.

1.M.K.Perumal
2.Sakthivel

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order made in IA.No.644 of 2017 in OS.No.56 of 2017 dated 28.02.2018 by the Additional District Munsif at Chidambaram Court.

For Petitioner : Mr.R.Sethuvarayar

For Respondents : Mr.A.Muthukumar

ORDER

This Civil Revision Petition is filed against the fair and decretal order made in IA.No.644 of 2017 in OS.No.56 of 2017 dated 28.02.2018 on the file of the Additional District Munsif Court at

Chidambaram, thereby allowing the petition to reject the plaint in case of non payment of balance court fees by the respondents.

2. The respondents filed suit for bare injunction in respect of the suit property. While valuating the suit property, they typed as Rs.10,000/- and paid Rs.61/- for item 1 and 2 of the schedule mentioned properties.

3. The learned counsel for the petitioner would submit that the suit property guideline value was fixed at more than Rs.94,000/-. Even then, the respondents valued property at Rs.10,000/- and that too paid a sum of Rs.61/-. Therefore, the petitioner filed petition to reject the plaint for non payment of adequate court fees for the suit properties.

4. The learned counsel for the respondents would submit that the suit is filed for bare injunction and the suit property was valued under Section 27 of Tamil Nadu Court Fess and Suit Valuation Act and paid a sum of Rs.61/- The only typographical error committed by the respondents is that, in stead of valuing the suit item 1 and 2 of schedule mentioned properties for Rs.2,000/- they typed as Rs.10,000/- and only paid a sum of Rs.61/- as court fees. Now as

directed by the court below, court fees was paid and the suit is in progress.

5. Heard, Mr.R.Sethuvarayar, the learned counsel for the petitioner and Mr.A.Muthukumar, the learned counsel for the respondents.

6. The petitioner is the defendant and the respondents are the plaintiffs. The respondents filed suit for bare injunction and valued the suit property under Section 27 (c) of Tamil Nadu Court Fees and Suit Valuation Act and paid a sum of Rs.61/- as court fees. The respondents due to their inadvertence wrongly typed as Rs.10,000/- instead of Rs.2,000/- and accordingly valued the suit property and paid only a sum of Rs.61/- as court fees. Therefore, the trial court rightly disposed of the petition, thereby directed the respondents to value the suit at Rs.10,000/- and accordingly pay court fees. Now the learned counsel for the respondents would submit that as directed by the court below, balance court fees was also paid and the suit is proceeded with.

7. Considering the above, there is no infirmity or illegality in the order passed by the court below. Accordingly, this civil revision

petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

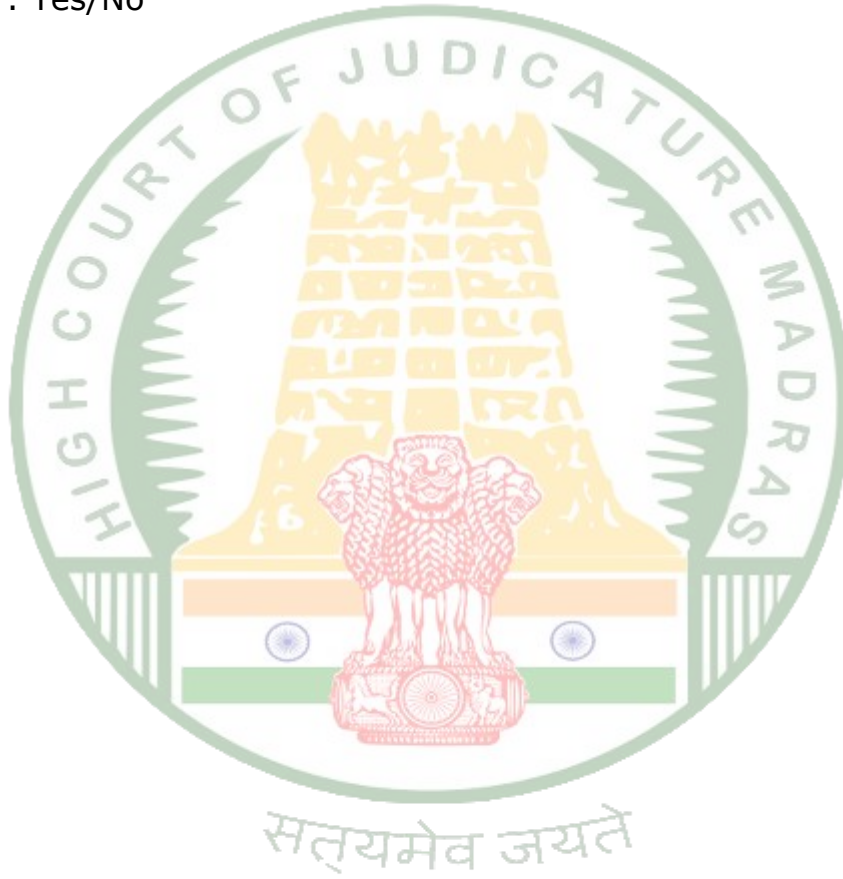
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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

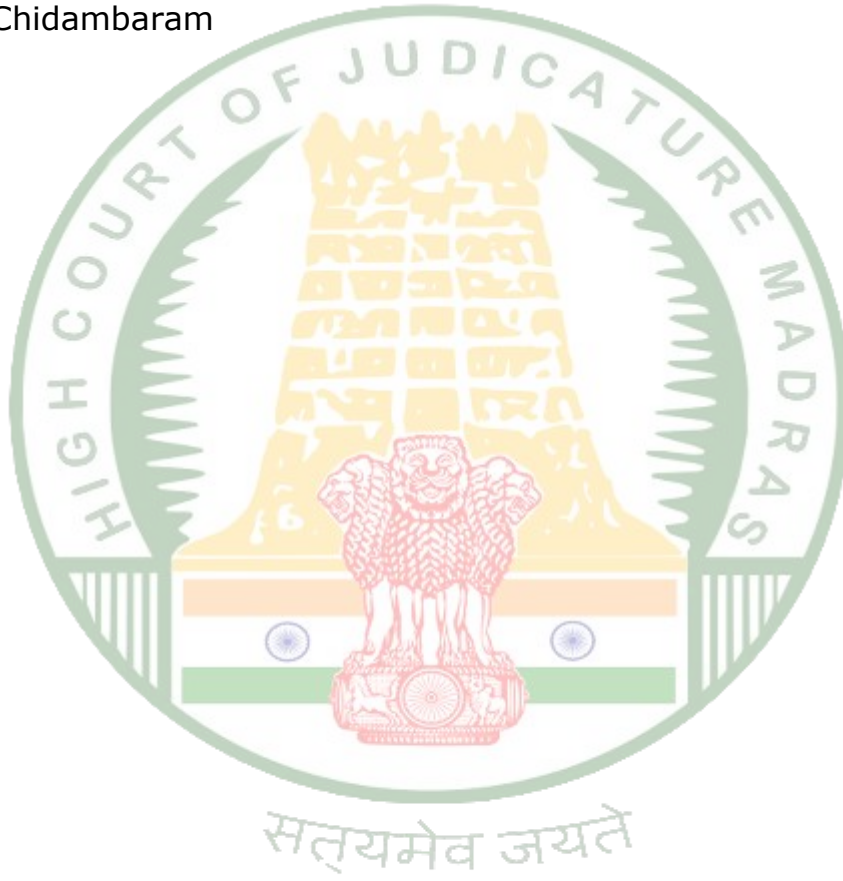
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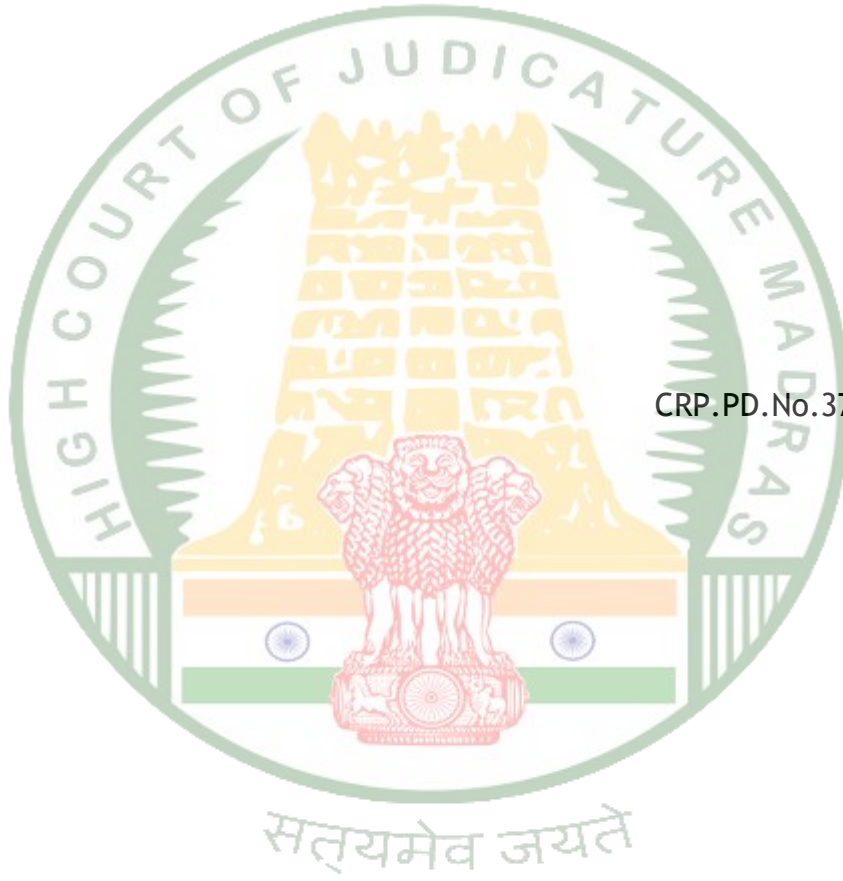
The Additional District Munsif
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G.K.ILANTHIRAIYAN,J.

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