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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) .No.103 of 2021

and

C.M.P. (MD) No.669 of 2021

1.G.A.M.Thandapani

2.T.Vasanthi

...Revision Petitioners/

Petitioners/Defendants 1 & 2

Vs.

1.R.Venkateshan

2.Mahalakshmi

3.The Sub-Registrar,
Sub-Registrar Office,
Theni, Theni District.

4.The Assistant Registrar,
Madurai Road, Vadakarai,
Periyakulam Taluk,
Theni District.

5.The Branch Manager,
LakshmiVillas Bank, Periyakulam.

6.The District Collector,
District Collectorate, Theni

...Revision respondent 1 to 6/ respondent 1
to 6/Plaintiff-1 & 2 and Defendants 3 & 6

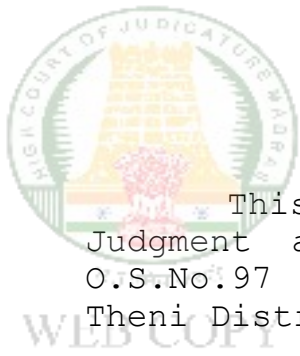
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Judgment and decree dated 05.11.2020 in I.A.No.5 of 2019 in O.S.No.97 of 2019 on the file of the District Munsif Court, Theni, Theni District and thereby allow the Civil Revision Petition as prayed for.

For Petitioners :Mr.J.Senthil Kumar

For R-3, 4, 6 :Mr.A.Baskaran

Additional Government Pleader

For R-5 :Mr.S.I.Muthiah

ORDER

This Civil Revision Petition has been filed to set aside the Judgment and decree, dated 05.11.2020 in I.A.No.5 of 2019 in O.S.No.97 of 2019, passed by the learned District Munsif, Theni, Theni District.

2. Heard on either side. Perused the material documents available on record.

3. The plaintiffs/R-1 & R-2 herein have filed a suit in O.S.No.97 of 2019 on the file of the District Munsif Court, Theni. During the pendency of the suit, the revision petitioners herein have filed a interlocutory petition in I.A.No.5 of 2020 in O.S.No.97 of 2019 under Order VII Rule 11(b) of Civil Procedure Code, on the file of the District Munsif Court, Theni, for rejection of plaint, on the ground that the first prayer in the suit to be valued under Section 40 and under Section 25(d) of Tamil Nadu Court Fees and Suits Valuation Act, 1955, and the same was dismissed on 05.11.2020. Aggrieved by the said order, the revision petitioners are before this Court.

4. The learned District Munsif, Theni, held that the Court fee paid is correct under Section 25(d) of Tamil Nadu Court Fees and Suits Valuation Act, 1955. The Court has not given time to pay the deficit Court fee.

5. In view of the submission made by the petitioners' counsel, the learned District Munsif, Theni, is directed to dispose the suit in O.S.No.97 of 2019, within a period of four months, from the date of receipt of copy of the order. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



To

The District Munsif,
Theni.

+1 CC to M/s.SPL.GP (SR-29882[F] dated 22/09/2021)

C.R.P. (MD) .No.103 of 2021
21.09.2021

NSN (CO)

KB (29.09.2021) 3P 3C