



CRP (NPD) No.4171 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.R.P (NPD) No.4171 of 2015

1. K. Sundarammal

2. K. Loganathan

... Petitioners

Vs.

1. C. Senthilkumar
2. M. Sudha Rani
3. S. Shanthi
4. Jothi
5. K.Sampathkumar
6. Muralimohan
7. Usha Kumari
8. Malliga
9. N. Devarajan
10. Shymala
11. Vadivukkarasi
12. P. Shanmugam
13. Kailasam
14. P.S.Karthikeyan
15. P. Sheela Kumari
16. C.Kuppusamy
17. K.P.Duraisamy
18. K.S. Thenenarasu
19. M.Malliga
20. K.K.Balusamy
21. C.Sivagami
22. P.Suresh Kumar



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23. N.Dharam Veer Jain

24. M.Lalitha

25. J.Vedavalli

26. S.Poongodi

27. K.Soundaram

28. S.K.Kumarasamy

29. Lakshmi

30. Duraisamy

31. Rosa @ Rosamani

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order in Check slip dated 09.09.2014 in O.S.No.169 of 2013 on the file of the Principal District Munsif, Erode.

For Petitioners : M/s.AL.Ganthimathi

For Respondent

Nos.6, 7, 15, 17, : M/s.V.Kadhirvelu
18 & 20

For Respondent

Nos.25 to 27 : M/s.V.S.Kesavan

For Respondent

Nos.1 & 16 : Mr.S.Mukund
for M/s.Sarvabhuman Associates

For Respondent

Nos.2 to 5 & 9 : Mr.Naveen Kumar Murthi

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ORDER

The subject matter of the challenge in the present Civil Revision Petition is the order passed in the Check Slip on 09.09.2014 directing the petitioners/plaintiffs to pay the deficit Court fee on the basis of the Check Slip issued by the Principal District Munsif, Erode.

2. Heard M/s.AL.Ganthimathi, learned counsel appearing for the petitioners, M/s.V.Kadhirvelu, learned counsel appearing for respondent Nos. 6, 7, 15, 17, 18 & 20, M/s.V.S.Kesavan, learned counsel appearing for respondent Nos.25 to 27, Mr.S.Mukund, learned counsel appearing for respondent Nos.1 & 16 and Mr.Naveen Kumar Murthi, learned counsel appearing for respondent Nos.2 to 5 & 9.

3. On hearing the learned counsel appearing on either side, this Court ascertained the fact that the Principal District Munsif, Erode, through judgment dated 05.11.2014 rejected the plaint under Order 7 Rule 11(c) of C.P.C. and as against the same, the petitioners have filed an appeal under Section 96 of C.P.C. before the Sub Court, Erode, and the same is pending in A.S.No.95 of 2014. On carefully going through the grounds that have been raised in the appeal, it is



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seen that the petitioners have questioned the very basis on which, the deficit Court fee was directed to be paid by the trial Court on the basis of the Check Slip.

4. The grounds that have been raised in the Civil Revision Petition can also be raised before the Appellate Court, Erode since the rejection of plaint has already been put to challenge before the Sub Court, Erode. Hence, to hear the very same issue in this Civil Revision Petition, will result in duplication of proceedings. That apart, what started as issuance of the Check Slip, ended with the judgment rejecting the plaint and the suit proceedings itself came to an end. Hence, it will not be appropriate to deal with the Check Slip and the order passed in the Civil Revision Petition will have a bearing in the appeal and it will suffice if such liberty is granted to the petitioners to challenge the same before the Appellate Court. Ultimately, if the plaintiffs succeed before the Appellate Court, the suit will be restored and it can be prosecuted on merits.



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This Civil Revision Petition is disposed of in the above terms. There shall be no order as to costs.

08.12.2022

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To

The Principal District Munsif,
Erode.



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N.ANAND VENKATESH, J.

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