



C.R.P.(PD)No.1916 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1916 of 2022

and

C.M.P.No.9786 of 2022

1.Beertha.
2.Jayathi.
3.Jayaprabu.
4.Jayadevi.
5.Jayaseelan.

... Petitioners

..Vs..

1.Kalliappan.
2.Lakshmi.
3.Govindasamy.
4.Maheshwari.
5.Krishnan.
6.Parvathi.
7.Murugan.
8.Ramesh.
9.Kamala.
10.Madhammal @ Madhu.

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.04.2022 made in I.A.No.2 of 2022 in A.S.No.7 of 2019 on the file of



C.R.P.(PD)No.1916 of 2022

the Principal Subordinate Judge, Dharmapuri by allowing the Civil Revision Petition.

For Petitioner : Mr.R.Prabakar.

ORDER

This Civil Revision Petition has been preferred challenging the order dated 23.04.2022 made in I.A.No.2 of 2022 in A.S.No.7 of 2019 passed by the learned Principal Subordinate Judge, Dharmapuri.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3.The revision petitioners are the defendants 11 to 15 in O.S.No.348 of 2010. The respondents 1 and 2, who are the plaintiffs, have filed the above suit for certain reliefs. When the suit was pending, two more reliefs (reliefs 'f' and 'g') were added by way of preferring an amendment petition and that was allowed. After trial, the learned trial Judge dismissed the suit. Aggrieved over that the plaintiffs have filed an Appeal in A.S.No.7 of 2019. During the pendency of the appeal, the plaintiffs filed the petition in I.A.No.2 of 2022 to amend the valuation of



C.R.P.(PD)No.1916 of 2022

the property and to pay additional Court fee, in view of the newly added prayers 'f' and 'g' and the same was allowed. Aggrieved over the said order, the defendants 11 to 15 have preferred this revision.

4.The learned counsel for the revision petitioners submitted that requirement for payment of additional Court fee, in view of the newly added prayers had already been pointed out by them, during the pendency of the suit itself, but, the plaintiffs omitted to change the valuation and to pay the Court fee; after the appeal was filed, this amendment petition was filed and that has been considered favourably and this would only prejudice the interest of the revision petitioners.

5. The change in valuation and payment of Court fee, are only to rectify the technical defects, which continued till the appeal was filed. But the entitlement of the reliefs can be on the merits of the case only. According to the revision petitioners, the Court fee was deficit and the valuation also not correct, in view of the additional prayers. It cannot be



C.R.P.(PD)No.1916 of 2022

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denied that the appeal is continuation of the suit. The learned trial Judge has rightly given permission to the plaintiffs to effect necessary change in the valuation and also to pay additional Court fee. Otherwise it will only be a loss of revenue to the Government and the Court cannot encourage the parties to conduct suits without paying appropriate Court fee. Since no prejudice would have been caused to the revision petitioners by directing the plaintiffs to pay additional Court fee, I do not find any reason for interference.

6. Accordingly, this Civil Revision Petition is dismissed and the order dated 23.04.2022 passed in I.A.No.2 of 2022 in A.S.No.7 of 2019 by the learned Principal Subordinate Judge, Dharmapuri is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2022

Index: Yes No
Speaking Order: Yes/No
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Page No.4/6



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C.R.P.(PD)No.1916 of 2022

To

1. The Principal Subordinate Judge,
Dharmapuri
2. The Section Officer,
V.R. Section,
High Court, Madras.



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C.R.P.(PD)No.1916 of 2022

R.N.MANJULA, J.

ms

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