



C.R.P.No.1334 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

C.R.P.No.1334 of 2014

Kadirvel

... Petitioner

Vs.

Govindasamy

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 09.10.2012 made in I.A.No.1349 of 2010 in O.S.(SR) No.1483 of 2010 on the file of the District Munsif Court, Perambalur, and condone the delay of 958 days in payment of the deficit Court fee of Rs.4,713/-.

For Petitioner : No appearance

ORDER

This Civil Revision Petition has been filed against the fair and final order passed by the Court below in I.A.No.1349 of 2010, dated 09.10.2012, rejecting the claim made by the petitioner to deposit the balance Court fee with a delay of 958 days and to take the suit on file.

2.The petitioner filed the suit for recovery of money of a sum of



C.R.P.No.1334 of 2014

Rs.63,500/- against the respondent. At the time of filing of suit, the petitioner merely paid a sum of Rs.50/- as Court fee. The papers were returned by the Court below on the ground that there is a deficit Court fee of Rs.4713/- and the petitioner was directed to deposit the deficit Court fee, within a period of 15 days. The petitioner did not comply with this direction and he filed I.A.No.1349 of 2010 with a delay of 958 days and sought for the permission of the Court to deposit the deficit Court fee. This application came to be dismissed by the Court below through fair and final order dated 09.10.2012. Aggrieved by the same, the present revision petition has been filed before this Court.

3.The petitioner was appearing in person and when the matter was taken up for hearing today, he was not present. That apart, no steps have been taken by the petitioner to take notice on the respondent and the civil revision petition has been pending before this Court for the last eight years. In view of the same, this Court decided to take up the civil revision petition and deal with the same on merits.

4.The short point that arises for consideration is as to whether the Court below had properly exercised its jurisdiction under Sections 148 & 149 of C.P.C. while rejecting the application filed by the petitioner seeking for



C.R.P.No.1334 of 2014

condoning the delay of 958 days in paying the deficit Court fee of a sum of Rs.4713/-.

5.In the instant case, the petitioner had filed the suit by paying a paltry sum of Rs.50/- and the suit papers were returned by the Court below on the ground that there is deficit Court fee and a direction was given to the petitioner to deposit the deficit Court fee, within a period of 15 days. The petitioner did not comply with this direction and ultimately, he filed the application with a delay of 958 days. The only reason that was given by the petitioner is that he had lent some amount to his relative and he was waiting for the repayment of the said amount. It is not the case of the petitioner that he is suffering from penury or has financial difficulties. The Court below on considering the reason that was assigned by the petitioner, came to a conclusion that the petitioner was not able to establish or sufficiently satisfy the delay and hence, the Court below had dismissed the application. In the considered view of this Court, the order passed by the Court below does not suffer from any illegality or infirmity and it does not warrant the interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.



WEB COPY



C.R.P.No.1334 of 2014

N. ANAND VENKATESH, J.

SSR

6.In the result, this Civil Revision Petition stands dismissed. No Costs.

08.12.2022

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

The District Munsif, Perambalur.

C.R.P.No.1334 of 2014