



C.R.P(MD)No.1034 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1034 of 2023

and

C.M.P(MD)No.4857 of 2023

P.K.Radhakrishnan

...Revision Petitioner/
Plaintiff

Vs.

Rajesh

... Respondent/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed with regard to valuation, dated 22.11.2022 (as indicated in the B-diary) in O.S.No.309 of 2021 on the file of the I Additional Sub Judge, Nagercoil, Kanyakumari District.

For Petitioner : Mr.G.Anto Prince

ORDER

The present civil revision petition has been filed against the order passed in O.S.No.309 of 2021 with regard to valuation, dated 22.11.2022 (as indicated in the B-diary) on the file of the I Additional Sub Judge, Nagercoil, Kanyakumari District.



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2. The petitioner is the plaintiff in O.S.No.309 of 2021. The suit was originally filed as O.S.No.245 of 2016 for bare injunction. Subsequently, the petitioner sought for amendment, which was allowed thereby, the plaintiff was allowed to seek for relief for declaration. Under these circumstances, the respondent/defendant has filed a memo stating that the petitioner has to pay Court fee as per the guideline value. The I Additional Sub Judge, Nagercoil, Kanyakumari District has passed a docket order on 22.11.2022, which reads as under:

"Records perused. The plaintiff is permitted to include the prayer of declaration of title. For that relief plaintiff has to pay Court fee under Section 25(B) of the Tamil Nadu Court Fee Act on the basis of guide line value submitted by the defendant, the value for the suit property is Rs.335.00 per sq.feet. The total extent of suit property is 98 cents. Hence the plaintiff shall calculate the value at the rate of Rs.335.00 per square feet and pay the Court fee accordingly. The details in amended plaint also to be corrected as per guide line. For payment of Court fee one month time is granted. Call on 23.12.2022."

3. The case of the petitioner is that the petitioner's vendor also instituted an another suit, wherein, the value adopted is much lesser and therefore, the petitioner cannot be called upon to pay higher Court fee.

4. The fact remains that the petitioner has amended the prayer and therefore, the petitioner has to pay requisite Court fee at the rate of



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Rs.355/- per square feet. In case, the petitioner succeeds, the petitioner will be entitled to recover the same from the respondent/defendant.

5. There is no merit in the present civil revision petition. The petitioner is directed to comply with the docket order passed by the I Additional Sub Judge, Nagercoil, Kanyakumari District on 22.11.2022.

6. The present Civil Revision Petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The I Additional Sub Judge,
Nagercoil, Kanyakumari District.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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