



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Eighth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

C.M.P. (MD).No.5604 of 2023

in

A.S. (MD).No.231 of 2022

1 JEYANTHI

2 RENGARAJAN

3 MINOR.RATHINTHARA

(NATURE GUARDIAN 1ST RESPONDENT) ... PETITIONERS 1 TO 3/
RESPONDENTS 1 TO 3/RESPONDENTS 1 TO 3

Vs

1 MANGALESWARAN, ...1ST RESPONDENT/PETITIONER/
APPELLANT

2 STATE THROUGH DISTRICT COLLECTOR,
PERIYAMILAKUPARAI,
TRICHIRAPPALLI CORPORATION,
TRICHIRAPPALLI. ... 2ND RESPONDENT/
4TH RESPONDENT/4TH RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order rejecting the Appeal Suit AS(MD).No.231 of 2022 with exemplary costs and thus rendre justice.

Prayer in AS(MD). 231/ 2022 :

First Appeal filed Under Section 96 of Civil Procedure Code, to call for the records in pertaining to the order made in O.S.No.59 of 2017 on the file of the II Additioal District Judge, Tiruchirappalli dated 12-01-2022 set aside the same and allow this appeal and thus render justice.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.MOHAN, Advocate for the petitioner and of M/S.R.RAMACHANDRAN, Advocate on behalf of the Respondent No.1 and not appeared for the respondent No.2 either in person or through by an advocate, the court made the following



This application has been filed to reject the appeal on the ground that the Court fee has not been paid.

2. The appeal has been valued for a sum of Rs.14,70,000/-, whereas the decree has been passed for Rs.21,40,000/- and the appellant has already paid the Court fee of Rs.1,10,251/- and in fact, even assuming that the appeal is valued only for Rs.14,00,000/- sufficient Court fee has already been paid.

3. In such a view of the matter, the same cannot be a ground to reject the appeal. Even assuming that the Court fee has not been paid, the relief claimed is undervalued and the Court can direct the correct valuation and to pay the Court fee. Since the Court fee has already been paid in excess, this Court is of the view that on the ground of undervaluation, the appeal cannot be rejected. Accordingly, this petition is dismissed.

sd/-

08/06/2023

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/06/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AKV

TO

THE II ADDITIOAL DISTRICT JUDGE, TIRUCHIRAPPALLI

ORDER

IN

C.M.P. (MD) .No.5604 of 2023
in

A.S. (MD) .No.231 of 2022

Date :08/06/2023

RK/MMS/SAR- (13/06/2023) 2P/2C