



WEB COPY

C.R.P.No.1104 of 2024.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1104 of 2024

1.R.Arjunan

2.A.Anbu (Died)

... Petitioners

Vs.

Shanmugasundaram

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to direct the learned II Additional District Court, Ranipet to number the un-numbered Appeal Suit in A.S.Sr.No.567 of 2023, CNR.No.TNVL/20009722023

For Petitioners

:M/s.C.Harish

ORDER

The Civil Revision Petition is filed seeking a direction to learned II Additional District Munsif, Ranipet to number the un-numbered Appeal Suit in A.S.Sr.No.567 of 2023, CNR.No.TNVL/20009722023.



2. A perusal of the return endorsement made by the Court below would suggest that petitioners failed to pay the required court fee on the memorandum of appeal.

3. The learned counsel for the petitioners submits that First Appellate Court insists payment of court fee at the rate of 7.5% as per the unamended Tamil Nadu Court Fees and Suit Valuations Act.

4. The learned counsel for the petitioners submits that as per the amending Act of 2017, the *ad voleram* court fee payable on the memorandum of appeal is only 3% not 7.5%.

5. The said issue has been considered by this Court in ***V.Rajarathinam Vs V.Sivasubramanian reported in 2023 (3) LW 505*** and it was held that Court fee payable in an appeal was the court fee that should have been paid in the suit. The said view was affirmed by the Division Bench in C.M.P.No.12898 of 2023 in A.S.No.373 of 2023 order dated 10.07.2023. Therefore, the question raised by the petitioners is no longer *res integra*. Hence, the



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petitioners are liable to pay the court fee at the rate of 7.5% as per provisions of unamended Act. The petitioner is granted two weeks time from the date of receipt of copy of this order, to pay the required court fee and represent the appeal papers before the Trial Court.

6. With these observations, this Civil Revision Petition stands disposed of. No costs.

26.03.2024

Index : Yes / No
Internet : Yes / No
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To
The II Additional District Court, Ranipet.



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S.SOUNTHAR, J.

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