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CMP.No.7133 of 2024
in
CRP No.810 of 2021

BATTU DEVANAND.J.,

This petition is filed seeking permission to convert present Revision Petition into Civil Miscellaneous Appeal by affixing necessary Court fee in the interest of justice.

2.In spite of granting sufficient time to file counter, at the request of the learned counsel for the respondent, till date no counter has been filed.

3.The learned counsel for the petitioner submits that the present Civil Revision Petition has been filed against the fair and decreetal order dated 10.09.2020 in IA.No.721 of 2015 in O.S. CFR No.12280 of 2015 on the file of the Principal District Court, Coimbatore. I.A.No.721 of 2015 is filed seeking to grant leave to file a suit against the defendants and the same was dismissed.

4.Aggrieved by the dismissal order dated 10.09.2020, due to oversight the present Revision Petition was filed.



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5.The learned counsel for the petitioner submits that in fact they have to file an Appeal under Section 104(1)(ffa) of CPC against the order dated 10.09.2020 in IA.No.721 of 2015 in O.S.(CFR)No.12280 of 2015. As such, he sought permission to convert the present Revision Petition into Civil Miscellaneous Appeal by paying necessary Court fee.

6.Heard both sides and perused the records.

7.Under Section 104(1)(ffa) of CPC, against the order refusing to grant leave to institute a suit filed under Section 92 CPC, no appeal shall lie. As such, this Court is of the considered view that the request of the petitioner has to be considered to convert the present Revision Petition into the Civil Miscellaneous Appeal, subject to the payment of necessary Court fee in the interest of justice.

8.Accordingly, Registry is directed to permit the petitioner to convert the present Civil Revision Petition into Civil Miscellaneous Appeal subject to the payment of necessary Court fee and fulfill other formalities. After



converting into Civil Miscellaneous Appeal, Registry shall post the same
before the concerned Court having roster.

24.06.2024

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