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C.M.P.No. 22673 of 2024
in
S.A. SR. No. 78484 of 2019

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 1489 days in payment of deficit court fee of Rs.25/- in the above appeal.

2. Mr.S.Senthil Vel, learned counsel for petitioners submitted that at the time of filing appeal, court fee was paid based on original suit filed before the I Addl. District Munsif Court, Coimbatore valued for the relief of declaration and injunction at Rs.2000/- and paid a court fee of Rs.151/-. However, after the amendment in the year 2017, value has to be calculated as per the present suit valuation, it was valued at Rs.6000/- and he has to pay court fee of Rs.180/-. Hence, there was a deficit court fee of Rs.25/- to be affixed in the above appeal. However, there is a delay of 1489 days in the said payment arose and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.

3. Considering the facts and circumstances, and the reasons stated by the petitioners in the affidavit seems to be justifiable one, this court is inclined to allow this petition on condition that the petitioners shall pay a cost of Rs.2000/- payable to the learned counsel for respondent within a week from the date of receipt of copy of this order and on such payment. Registry is directed to number the above Appeal if it is otherwise found to be in order and post the matter on 11.11.2024.

23.10.2024

rpp