



C.RP(MD)No.1823 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.08.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.1823 of 2024
and
C.M.P(MD)No.10263 of 2024**

Dr.P.K.Radhakrishnan

... Petitioner/Plaintiff/
Plaintiff

Vs.

Mr.Rajesh

...Respondent/Defendant/
Defendant

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.1 of 2023 passed by the I Additional Sub Judge, Nagercoil, Kanyakumari, 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



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ORDER

The Civil Revision Petition is filed to set aside the order passed in IA.No.1 of 2023 by the learned I Additional Sub-Judge, Nagercoil, in O.S.No.309 of 2021.

2.The plaintiff/petitioner herein had originally filed the said suit for permanent injunction. Thereafter, the relief was amended to include the relief of declaration also. Now the matter pertains to the amount of Court fee to be paid. Earlier by a docket order dated 22.11.2022, the trial Court fixed the Court fee at the rate of 335 per sq.ft., and directed the plaintiff to pay Court fee accordingly.

3.Being aggrieved by the plaintiff, had filed CRP(MD)No. 1034 of 2023, in which, it has been specifically argued that the petitioner's vendor also instituted another suit where the value adopted is much lesser and therefore, the petitioner should not be called upon to pay higher Court fee. The said question was



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considered and the civil revision petition was dismissed on merits by order dated 18.04.2023. Thereafter, the present I.A.No.1 of 2023 is filed before the trial Court to review the earlier order. The trial Court has dismissed the same. As against which, the present revision petition is filed.

4.The learned counsel appearing on behalf of the petitioner would submit that it can be seen that the earlier order was a docket order and the petitioner had not filed a detailed application in the earlier round. As a matter of fact, the value, which ought to have been taken, is the value mentioned in the sale deed. Secondly, the value of the property should date back to the date of filing of the suit and not the current value.

5.Even assuming that the petitioner has a case with reference to the date of filing of the plaint or regarding the value of the property, when earlier the matter has been taken up before this Court and the order was confirmed in the Civil Revision Petition,



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even if the petitioner wants to review the order, the review ought to have been filed only before this Court and not before the trial Court. Therefore, the trial Court rightly dismissed the application and as such, the Civil Revision Petition is disposed of. However, with liberty to the petitioner to file a review application before this Court in CRP(MD)No.1034 of 2023, if he is so advised and if grounds exist. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2024

NCC:Yes/No
Ns

To
The I Additional Sub Judge,
Nagercoil,
Kanyakumari.



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D.BHARATHA CHAKRAVARTHY, J.

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