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C.R.P.Nos.3554, 3560 and 3567 of 2023

M.JOTHIRAMAN.J.

Today the matter is listed under the caption “for being mentioned”. Both sides heard.

2. The learned counsel appearing for the petitioner submits that though the year of the civil revision petitions is mentioned as ‘2023’ in the case bundles, there occurred a typographical error in the order dated 24.09.2025 wherein it has been typed as CRP.Nos.3554, 3560 and 3567 of 2025 instead of “***CRP.Nos.3554, 3560 and 3567 of 2023”.*** Hence, the same may be corrected in all the places of the order copy.

3.Further it is submitted by the learned counsel for the petitioner that in the seventh line of paragraph No.5 of the aforesaid order, it has been mentioned as the learned counsel appearing for the revision petitioner instead of ***“the learned counsel appearing for the revision petitioner before the trial Court”.*** Hence, he prayed that necessary correction may be carried out in paragraph No.5 of the aforesaid order.

4. Registry is directed to carry out the necessary correction in the order dated 24.09.2025 and issue fresh copy of the order to the learned counsel for the parties.

06.02.2026

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M.JOTHIRAMAN.J.

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C.R.P.Nos.3554, 3560 and 3567 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M. JOTHIRAMAN

CRP.Nos.3554, 3560 & 3567 of 2025

A.Amutha ... Petitioner / Petitioner / Plaintiff in all CRPs

Versus

P.Maheswari ... Respondent / Respondent / Defendant in all CRPs

Common Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 25.04.2019 made in I.A.Nos. 86, 87 and 85 of 2018, in Un.number. O.S.SR.No.694 of 2016 on the file of Principal District Judge, Salem.

For Petitioner : Mr.S.Kousik in all CRPs

For Respondent : Mr.N.R.S.Ganesan in all CRPs

COMMON ORDER

Unsuccessful plaintiff has preferred the present Civil Revision Petitions.

2. The suit in Unnumbered O.S.SR.No.694 of 2016 on the file of the learned Principal District Court, Salem was filed for recovery of money based on a promissory note. At the time of presenting the plaint, the plaintiff did not pay the Court fee, and subsequently, the plaintiff chose to pay the Court fee

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after a delay of 622 days.

The plaintiff filed the following applications:-

(i) I.A.No.85 of 2018 in Unnumbered O.S.SR.No.694 of 2016 under Sections 148 and 151 of the CPC, seeking to condone the delay of 201 days in re-presenting the plaint that had been returned on 17.11.2017.

(ii) I.A.No.86 of 2018 in Unnumbered O.S.SR.No.694 of 2016 under Sections 149 and 151 of the CPC, seeking to condone the delay in paying the Court fee in the above suit.

(iii) I.A.No.87 of 2018 in Unnumbered O.S.SR.No.694 of 2016 under Sections 148 and 151 of the CPC, seeking to condone the delay of 622 days in re-representing the suit after the rectifying the defects (quarries).

3. Upon hearing the submissions of the revision petitioner, the Court below dismissed all these applications *vide* order dated 25.04.2019. Aggrieved over the same, the revision petitioner / plaintiff has preferred the present Civil Revision Petitions.

4. The learned counsel appearing for the revision petitioner would submit that the plaint was filed on 18.01.2016 for recovery of money based on a promissory note dated 20.01.2013. At the time of filing the suit on 18.01.2016, the entire Court fee of Rs.35,558/- was not paid by the revision petitioner.

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Therefore, the suit was not numbered at the inception. The Registry of the trial Court returned the plaint to the petitioner to rectify the defects in the filing. Instead of paying the Court fee, the petitioner failed to comply and later re-presented the plaint along with an application under Sections 149 and 151 of the CPC in I.A.No.86 of 2018, seeking to condone the delay of 622 days in paying the Court fee. The learned counsel further submitted that the delay in representing the plaint was due to the misrepresentation of the petitioner's previous counsel. Consequently, the revision petitioner lodged a complaint dated 28.07.2018 before the Principle District Judge, Salem, the Commissioner of Police, Salem and Secretary of the Tamil Nadu Bar Council, seeking appropriate action.

5. The learned counsel further submitted that the petitioner was also suffering from illness and had been admitted to a private hospital on 08.08.2017 for taking treatment, as she had met with an accident on the same day i.e.,08.08.2017. Hence, the revision petitioner was unable to represent the plaint within the prescribed time. In the meanwhile, the complaint filed before the Bar Council of Tamil Nadu and Puducherry was taken on file, and after elaborate enquiry, the learned counsel appearing for the revision petitioner undertook to pay the Court fee within the limitation period. Subsequently, the revision petitioner and her previous counsel entered into a compromise before

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the Bar Council of Tamil Nadu and Puducherry. Thereafter, the revision petitioner approached another counsel and applied for certified copies of the plaint, affidavit, petition, and orders passed in I.A.Nos.85, 86 and 87 of 2018 on 23.02.2023. The copies were made ready on 22.08.2023 and delivered on 24.08.2023. Thereafter, these Civil Revision Petitions were filed.

6. Per contra, the learned counsel appearing for the respondent would submit that the reasons stated by the revision petitioner are not acceptable, and the petition does not provide valid grounds to condone the abnormal delay of 622 days. At the time of filing the plaint, not even a single paisa was paid towards court fees. Therefore, the Court below has rightly dismissed the applications.

7. It is seen from the records that the revision petitioner presented a plaint on 18.01.2016 for recovery of a sum of Rs.12,18,600/- based on the promissory note dated 20.01.2013. At the time of presentation, no Court fee was affixing on the plaint. It is also seen from paragraph 10 of the plaint that the suit was valued for the purpose of jurisdiction at Rs.12,18,600/-, and the the Court fee payable thereon under Section 22 of the Tamil Nadu Court Fees and Valuation Act was mentioned as Rs.35,558/-. Without paying the said Court fee, the Registry of the Court below returned the plaint on 19.01.2016, directing the

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petitioner to re-present it after affixing the necessary Court fee. Further, it is seen that the plaintiff re-presented the plaint with the requisite Court fee of Rs.36,558/- on 02.11.2017. The plaint was again returned for certain other defects, which was subsequently rectified by the petitioner, along with petitions filed to condone the delay of 622 days and 201 days in re-presentation of the plaint (for which separate interlocutory applications were filed).

8. It is seen from the affidavit filed by the revision petitioner in support of the said petitions that, in I.A.No.87 of 2017, the petitioner stated that she was not in a position to pay the stamp duty due to her family circumstances and other unavoidable circumstances. Similarly, in the affidavit filed in I.A.No.86 of 2018, she stated that owing to her poverty, she was unable to pay the Court fee, which resulted in a delay of 622 days in paying the same. Form the records, it is seen that the promissory note dated 20.01.2013 was the basis of the suit, and the period of limitation of three years expired on 20.01.2016. The petitioner had indeed presented the plaint on 18.01.2016, within a period of limitation, but, without affixing any Court fee. The plaint was subsequently re-presented with the requisite Court fee of Rs.36,558/- on 02.11.2017, thereby causing a delay of 622 days.

9. The reasons stated in the affidavits, namely, poverty and financial

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inability to pay the Court fee, do not constitute sufficient cause for the inordinate delay. Although the learned counsel for the revision petitioner contended that the delay occurred due to the negligence of the petitioner's previous counsel, who had undertaken to pay the court fee, no sufficient or acceptable reason has been shown in the affidavits filed before the Court below in support of the petitions seeking to condone the delay.

10. In view of the above, there is no reason to interfere with the order dated 25.04.2019 in I.A.Nos. 86, 87 and 85 of 2018, in Un.number. O.S.SR.No.694 of 2016, on the file of the learned Principal District Judge, Salem.

11. Accordingly, these Civil Revision petitions are dismissed.

No costs.

24.09.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

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M. JOTHIRAMAN, J.

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To
The learned Principal District Judge, Salem.

CRP.Nos.3554, 3560 & 3567 of 2025

24.09.2025

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