



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

WEB COPY

CORAM

THE HON'BLE DR.JUSTICE R.N.MANJULA

A No. 4697 of 2025 in

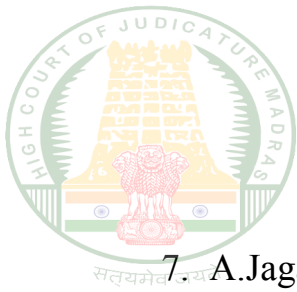
TOS.No.6 of 2002

E.Dhanapal
S/o.C.Elumalai, NO.54, V MAIN ROAD, CIT
NAGAR, NANDANAM, CHENNAI - 600 035

..Applicant(s)

Vs

1. E.ARUNAGIRI (DECEASED) 1.Kuppamal and
6 others
No.14, 5th Street, Bakthavastsalam Nagar,
Nanganallur Post, Chennai 600 034.
2. Nagammal
No.23, Telephone Quaters,C.I.T.Nagar, II Main
Road, Chennai 600 035.
3. Sundarammal
No.152 Kannapattau Village, Manamathi Post,
Chengalpatu 603 105.
4. Solochana
W/o.E.Arunagiri, No.5/49, Neducherizha Street,
Nehru Nagar, Check Post, Velachery, Chennai
600 042.
5. Mariammal
D/o.E.Arunagiri
6. A.Murugavel
S/o.E.Arunagiri



7. A.Jagadeeswari

D/o.E.Arunagiri, No.475, anna Salai,
N.S.Nursing Home, Nandanam, Chennai 600
035.

..Respondent(s)

PRAYER :To condone the delay of 8574 days in paying the Deficit Court Fees
of Rs.1,930/- in the above T.O.S.No.6 of 2002.

For Applicant(s): M/S RUKMANI

FOR M/S.P.B.RAMANUJAM
ASSOCIATES

For Respondent(s): MR M.S SUBRAMANIAN
FOR R5 TO R8

ORDER

This Application has been filed to condone the delay of 8574 days in
paying the Deficit Court Fees of Rs.1,930/- in the above T.O.S.No.6 of 2002.

2. It appears from the records that the plaintiff who supposed to pay the
deficit Court Fee within 14 days after the Original Petition got converted into
Testamentary Original Suit, had omitted to pay the deficit Court Fee. But
surprisingly, the decree has been passed without noticing the fact that the
deficit Court Fee has not been paid.



3. It is learnt from the representation of the learned counsel for the respondents that the judgment and decree passed in TOS.No.6 of 2022 has been challenged by way of preferring an Appeal and the Appeal is still pending.

4. However, the learned counsel for the applicant submitted that according to her knowledge the Appeal is not pending so far and the copy of the Appeal has not been served upon the applicant.

5. Whatever may be the case, collecting the deficit Court Fee is the duty of the Court which was omitted to be done. The mistake of the Court committed in not collecting the Court Fee cannot be taken advantage by any one including the applicant. As the collection of Court Fee is a fiscal obligation on the shoulders of the Court, this Application is allowed and the delay is condoned for paying the deficit Court Fee of Rs.1,930/-. The applicant is directed to pay the deficit Court Fee within a period of one week from the date of receipt of a copy of this order.

6. However, if there is any Appeal pending on the judgment and decree passed in TOS.No.6 of 2022 and if any ground raised by the appellants in the said appeal on the point of non-payment of deficit Court Fee, that will have to be decided by the Appellate Court on merits.

24-09-2025

GSK



DR.R.N.MANJULA, J.

GSK

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