



CRP(MD).No.2226 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2025

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.2226 of 2022 and
CMP(MD).No.10431 of 2022

S.C.Saminathan

: Petitioner

Vs.

1.S.Arulraj

2.R.S.Gobinath

: Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order, dated 17.03.2022 in I.A.No.6 of 2021 in O.S.No.27 of 2021 on the file of the District Judge, Karur.

For Petitioner

: Mr.K. Prabhakar

For respondents

: Mr. K. Suresh

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order, dated 17.03.2022 made in I.A.No.6 of 2021 in O.S.No.27



CRP(MD).No.2226 of 2022

of 2021 on the file of the District Judge, Karur.

WEB COPY

2. According to the facts of the case, the revision petitioner is a defendant. The respondents as plaintiffs have filed the above suit in O.S.No.27 of 2021 on the file of the District Court, Karur seeking for partition. The plaintiffs have valued the suit property under Section 37(2) of the Court Fees Act stating that the plaintiffs are in joint possession of the suit property. Thereafter, the revision petitioner filed an application in I.A.No.6 of 2021 to reject the plaint on the ground that the plaintiffs are not in joint possession of the property and also not stated the same in the plaint. Therefore, the plaintiffs ought to have valued the suit property under Section 37(1) of the Court Fees Act. However, the the trial Court erroneously dismissed the said application. Against which, the present revision is preferred.

3. The learned counsel appearing for the respondents / plaintiffs submitted that the plaintiffs have filed an application to amend the plaint in which paragraph No.9, the plaintiffs have stated that both the plaintiffs and the defendant are in joint possession and enjoyment of the suit property and therefore, nothing survives for consideration in this Civil



CRP(MD).No.2226 of 2022

WEB COPY

Revision Petition. However, he seeks liberty to raise the objections before the trial Court with regard to payment of Court fee as preliminary issue.

4. In view of the said submission, liberty is granted to the petitioner to raise the objections raised in this Civil Revision Petition before the trial Court.

5. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

07.01.2025

Index : Yes / No
Internet : Yes/ No
trp

To

The District Judge, Karur.



WEB COPY



CRP(MD).No.2226 of 2022

K. GOVINDARAJAN THILAKAVADI, J.,

trp

C.R.P(MD)No.2226 of 2022 and
CMP(MD).No.10431 of 2022

07.01.2025