



WEB COPY

CRP No. 659 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 659 of 2024

AND

CMP NO. 3298 OF 2024

1. R.Venkatesh Kumar
S/o.Rangasamy, D.No.337 New
Vadavalli, Rajan Nagar Panchayat
Sathyamangalam Tk, Erode Dist.

Petitioner(s)

Vs

1. REGINA(DIED) 1.Marusamy
S/o.Periamara Naicker, Kurusanvalasu
Salangapalayam Village Bhavani Tk,
Erode Dist.

2.The Sub Registrar
Registrar Office, Kavundapadi Village
Bhavani Tk, Erode Dist.

3.Sankar(Died)
S/o.late Velusamy, Kavundapadi
Village, Bhavani Tk, Erode Dist.

4.Arun
S/o.Sankar, Kavundapadi Village
Bhavani Tk, Erode Dist.

5.Jayasree
D/o.Sankar Kavundapadi Village
Bhavani Tk, Erode Dist.
(Lrs of R3 already on record)

Respondent(s)



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PRAYER

To set aside the fair and final order dated 31.10.2023 made in IA.No.4 of 2022 in OS.No. 255 of 2017 on the file of the District Munsif Court, Bhavani.

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For Petitioner(s): Zeenath Begum
D.Sathya

For Respondent(s): M/s.B.Gopalakrishnan
D.Krishnamoorthy
S.Guna For R4 And R5
R-2 THE SUB REGISTRAR
Registrar Office, Kavundapadi
Village Bhavani Tk, Erode Dist.
R3 - Died
R1 - Unclaimed
Private Notice

R2 - Served On 13/03/2024
R-1.MARUSAMY S/o.Periamara
Naicker, Kurusanvalasu
Salangapalayam Village Bhavani
Tk, Erode Dist.
Rr4 And 5 - Served On
07/11/2025
R3 - Deceased

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and final order dated 31.10.2023 made in IA.No.4 of 2022 in OS.No. 255 of 2017 on the file of the District Munsif Court, Bhavani. It is brought to the notice of this Court that 3rd respondent died and his legal heirs are already on record. To that effect, learned counsel for the petitioner filed memo and the same is



recorded.

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2. The brief facts of the case:

The petitioner herein/first defendant filed I.A No. 4 of 2022 in OS No. 255 of 2017 on the file of the District Munsif Court, Bhavani, seeking to reject the plaint on the ground that the plaintiff/first respondent herein has not paid the Court fees under Section 40 of Court Fee Act as per the value of the sale deed/Ex.B2.

3. The respondent/plaintiff contested the said application stating that the sale deed which is under dispute is fabricated document and the also plaintiff is not a party to the sale deed/Ex.B2 so the Court fees calculated under Section 25 (d) of Court Fee Act. Hence, she is not liable to pay Court fee under Section 40 of Court fee Act.

4. Upon hearing both sides, the Trial Court held that if the plaintiff is not party to Ex.B2/sale deed he is entitled to pay Court fee under Section 25(d) of Court fee Act, as such, is valid. Accordingly, dismissed the application. Challenging the same, the petitioner preferred this Civil Revision Petition.

5. The learned counsel for the petitioner submits that the impugned document has been executed by the second defendant as power of attorney of the plaintiff, and therefore, deemed to have been executed by the plaintiff herself. In such circumstances, the declaration ought to have been valued under Section 40 of Tamil Nadu Court Fees and Suit Valuation Act, 1955. But which is



valued under Section 25 (d) of the Act. However, the Trial Court failed to appreciate the same. Hence, he prays to allow this petition. .

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6. The learned counsel for the respondents submit that the plaintiff is not party to the sale deed. Hence, he is not liable to pay Court fees under Section 40 of Court fees Act and the same was rightly appreciated by the Trial Court which needs no interference. Hence, he prays to dismiss this petition.

7. Heard both sides.

8. A perusal of records, would go to show that the plaintiff is not party to the sale deed dated 22.05.2013 hence, the Court fees paid under Section 25(d) is acceptable and it is settled proposition of law that issues of Court fee can be decided at any stage. Hence, this Court is not inclined to interfere with the findings of the Trial Court. However, the Trial Court is directed to frame issue with respect to payment of Court fees based on the available evidence.

9. In the result, this Civil Revision Case is disposed of. No Costs. Pending petition, if any, is/are closed.

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Note: Registry is directed to carryout necessary amendments in the main EB.

To

1. The District Munsif Court, Bhavani.
2. The Section officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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