

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM

Present:Tmt.E.Swetha, B.B.A., L.L.B (Hons)
Additional District Munsif
Chidambaram

Friday, the 21st day of November 2025

I.A.NO.190/2025
in
O.S.NO. 316/2015

Devarasu

.....Petitioner/ Plaintiff

/Vs/

1) Usharani

2) Manivannan

..... Respondents/ Defendants

This petition is coming on 20.11.2025 for final hearing before me in the presence of Thiru.B.Saravanan Advocate for Petitioner and Thiru.N.Sethuraman Advocate for Respondents and upon hearing the argument of both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

Petition filed under Section 151 of CPC to condone the delay of 377 days to pay the court fees and for costs.

2. The gist of the petition filed by the petitioner:

The petitioner is plaintiff's counsel and the respondents are the defendants in the main suit. The main suit has been filed by the plaintiff seeking for the relief of declaration and permanent injunction. The respondents have filed IA.No.331/2024 to decide the value of the suit property and to decide if it's within the pecuniary jurisdiction. As per the order passed in I.A. No. 331/2024, this Court directed the petitioner to calculate and remit the deficit court fee on the basis of the sale agreement dated 15.07.2013 relating to the suit property. However, due to the plaintiff's illness, the petitioner was unable to pay the deficit court fee within the prescribed time. Hence, the petitioner seeks

condonation of delay in remitting the deficit court fee. If the delay is not condoned, the petitioner would suffer irreparable loss and hardship. Therefore, the petitioner prays for condonation of the delay of 377 days for remittance of the court fee. Hence, this petition.

3. The gist of the memo of counter filed by the Respondents:

The petition filed by the petitioner seeking the extend the time is unsustainable. This Court, vide order dated 06.06.2024. has directed to pay the correct court fees. Upon determination of the appropriate court fees, the plaintiff is not entitled to continue prosecuting his case. The total value of the property is Rs.12,00,000/-, and the plaintiff has instituted the suit by misleading the Court. Despite the above order, the plaintiff has not remitted the requisite court fees till date. Hence, the petition filed under Section 148 CPC seeking permission to pay the court fee is incorrect. Hence, the respondent prays to dismiss this petition with costs.

4. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

5. On the side of both parties, no oral and documentary evidence was let in.

Points for consideration:

6. Heard both sides learned counsels. Material records perused. The main suit was originally filed for the relief of permanent injunction and subsequent to which the suit relief was amended and declaration was also sought. This Court vide order dated 06.06.2024 has answered the preliminary issue against the plaintiff and has directed the plaintiff to compute the court fee based on plaint document No.2 and to pay the required fees within a period of one month from the date of the order. For reporting compliance, the matter was listed on 8.7.2024. However, despite several adjournments, the court fee was not paid by the plaintiffs/the petitioners herein. On 16.07.2025 while the defendant counsel has filed a memo stating that the preliminary issue was answered against the plaintiff and the plaintiff has not paid the requisite court fee, hence the suit has to be struck off, subsequent to which the petitioners has filed the instant petition under Section 151 of CPC to condone the delay of 377 days to pay the court fees. Simultaneously, I.A.No.191/2025 was filed by the petitioner under Section

148 seeking enlargement of time for the order passed by this court to calculate and pay the deficit court fee, which was dismissed as 'not pressed' on 19.11.2025.

7. According to the petitioner, the respondents have filed IA.No.331/2024 to decide the value of the suit property and to decide if it's within the pecuniary jurisdiction. As per the order passed in I.A. No. 331/2024, this Court directed the petitioner to calculate and remit the deficit court fee on the basis of the sale agreement dated 15.07.2013 relating to the suit property. However, due to the plaintiff's illness, the petitioner was unable to pay the deficit court fee within the prescribed time. Therefore, the petitioner prays for condonation of the delay of 377 days for remittance of the court fee.

8. Per contra, the respondents contend that petition is unsustainable and this Court, vide order dated 06.06.2024 has directed to pay the correct court fees. Upon determination of the appropriate court fees, the plaintiff is not entitled to continue prosecuting his case. The total value of the property is Rs.12,00,000/-, and the plaintiff has instituted the suit by misleading the Court. Despite the above order, the plaintiff has not remitted the requisite court fees till date. Hence, the petition filed under Section 148 CPC seeking permission to pay the court fee is incorrect. Hence, the respondent prays to dismiss this petition with costs.

9. On perusal of rival submission of both sides, this court considers that that it is a well settled principle of law that the wrong mentioning of provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass the orders. In the instant petition, the petitioner seeks to condone the delay in remitting the court fees which ought to have been paid before 06.07.2024 by virtue of the present petition filed under Section 151. Though this petition is filed under Section 151 CPC, the substance of the relief sought is enlargement of time to comply with a direction of Court, which squarely falls within the ambit of Section 148 CPC, enabling the Court to enlarge the time even after expiry of the period originally fixed, and the inherent powers of the Court under

Section 151 CPC supplement such discretion in the interest of justice. The dismissal of I.A. No. 191/2025 as “not pressed” does not, in the present circumstances, bar the Court from exercising its statutory and inherent powers when denial of opportunity would cause irreparable hardship.

10. It is observed that where sufficient cause exists or events pointed out to the court for non-compliance of the order are beyond the control of a party, the court has inherent power to extend time beyond 30 days. Though maximum time of thirty days was prescribed in Section 148 of the Code, considering the object of the Code, namely, to promote justice, the Court can invoke both Sections 148 and 151 CPC, to condone the delay, if the circumstances so warrant.

11. Placing reliance on the case of *Gowri Ammal Vs. Murugan and others, 2006 (3) CTC 418*, wherein, the Hon’ble Madras High Court has held that even after expiry of the time limit, the petition under Section 148 of CPC is maintainable. This Court considers that though the reasons stated by the petitioner is unsatisfactory, in order to render substantial justice to the parties and for complete adjudication of the issue at hand, this court is inclined to allow the petition seeking to condone the delay to remit the court fees. The delay is condoned and the petitioner is further directed to remit the deficit court fee within 28.11.2025.

In the result, this petition is allowed. The petitioner is further directed to remit the deficit court fee within 28.11.2025. No order as to costs.

Order directly dictated to Steno-Typist, typed by her, corrected and pronounced by me in the Open Court on this, the 21st day of November 2025.

(Sd/-E.Swetha)

Additional District Munsif,
Chidambaram.

List of witnesses and documents on the side of the petitioners: NIL

List of witnesses and documents on the side of the respondents: NIL

(Sd/-E.Swetha)

Additional District Munsif,
Chidambaram.