

IN THE COURT OF THE DISTRICT MUNSIF OF UDHAGAMANDALAM

Present: **Thiru. L. PRAKASH, B.Sc., B.L.,**
DISTRICT MUNSIF, UDHAGAMANDALAM.

Saturday, the 06th day of June 2026

I.A. No. 01 of 2026
in
O.S. No. 83 of 2023
(C.N.R. No. TNNS030 - 00108 - 2023)

S. Radhakrishnan

... Petitioner/Plaintiff

/Vs/

1. Jegatha Raju

2. Vasanthakumari

... Respondents/Defendants

This petition came on 01.06.2026 for final hearing before me in the presence of Mr. P. Rangaswamy, learned Counsel for the Petitioner/Plaintiff, and of Mr. Chandramohan, learned Counsel for the Respondents/Defendants, upon considering case records carefully, this court passes the following

ORDER

1. This petition is filed Under Section 151 of the Code of Civil Procedure, praying to the excess court fee paid be refunded to his account bearing Account No. 10834984060, State Bank of India, IFSC Code – SBIN0000891.

Gist of Petition and affidavit:

2. The brief averment of petition and affidavit is that, the additional court fees of Rs.1,500/- for the amendment of the plaint had already been paid online and the receipt (No. TNCT0946A2623N793) has been enclosed. Due to a clerical error, the court directed payment of the same court fee again, which was complied with by

the plaintiff. Since the court fees has been paid twice for the same amendment while the matter is still pending before the court. Hence the petitioner requests that the excess court fee paid be refunded to his account bearing Account No. 10834984060, State Bank of India, IFSC Code – SBIN0000891. Since, the refund of court fee is a matter to be decided by the court and hence, the notice was not ordered to the respondent and the counter statement was not asked.

Points for consideration:

3. Heard the petition and the case records perused carefully. The point to be decided in this petition is that whether this petition is liable to be allowed or not?

Discussion:

4. The petitioner/plaintiff has filed the present petition under Section 151 of the Code of Civil Procedure seeking refund of an alleged excess court fee of Rs.1,500/-. It is seen from the records that the above suit was originally instituted for the relief of bare injunction. Subsequently, the plaintiff filed a petition in I.A. No. 03 of 2023 seeking amendment of the plaint to include the relief of delivery of possession and the said petition was allowed by this Court on 14.07.2025. Thereafter, at the stage of framing additional issues, this Court found that the court fee payable for the relief of delivery of possession had not been paid and consequently directed the plaintiff to pay the requisite court fee.

5. Pursuant to the said direction, the plaintiff paid an additional court fee of Rs.1,500/- before this Court along with a memo dated 09.01.2026. At that time, the plaintiff also submitted that the additional court fee relating to the relief of delivery of possession had already been paid. Subsequently, upon verification of the records, it was found that the plaintiff had in fact paid the additional court fee of Rs.1,500/- on 01.12.2023 itself towards the amended relief. On the strength of the said circumstance, the plaintiff has filed the present petition seeking refund of the alleged

excess court fee.

6. However, a perusal of the records reveals that the suit is still pending and has not yet reached final adjudication. It is further seen that the valuation of the suit and the sufficiency of the court fee paid by the plaintiff have been specifically disputed by the defendant in the written statement. In view of such dispute, this Court has already framed an additional issue regarding valuation of the suit and sufficiency of court fee for determination during trial.

7. Therefore, the question as to whether the court fee paid by the plaintiff is proper, sufficient or excessive remains one of the matters to be adjudicated in the suit itself. Though it appears from the records that the plaintiff has paid an additional sum of Rs.1,500/- on two occasions towards the relief of delivery of possession, this Court cannot, at this stage, conclusively determine the entitlement of the plaintiff for refund of any portion of the court fee, since the issue relating to valuation and court fee is still pending consideration. Unless and until the said issue is finally adjudicated and findings are rendered thereon, the question of refund cannot be decided.

8. Therefore, this Court is of the view that the present petition seeking refund of court fee is premature. The petitioner/plaintiff is at liberty to file an appropriate petition seeking refund of excess court fee, if any found refundable, after disposal of the suit and subject to the findings rendered on the additional issue relating to valuation and court fee.

Result:

9. *In the result, this petition is dismissed as premature. No costs. Liberty is granted to the petitioner/plaintiff to file an appropriate petition seeking refund of excess court fee, if any found refundable, after disposal of the suit and subject to*

the findings rendered on the issue relating to valuation and court fee.

This order is dictated to the steno - typist, typed by her in computer, corrected by me and pronounced by me in the open court on this 06th day of June 2026.

**District Munsif,
Udhagamandalam.**

Draft/Fair Order:

**I.A. No. 01/2026
in
O.S. No. 83/2023**

Dated: **06.06.2026**

**District Munsif Court,
Udhagamandalam.**