

## APPELLATE CIVIL.

*Before Mr. Justice Ramesam.*

KOMMURA VENKATA RAO (PLAINTIFF), PETITIONER,

v.

KORELLA SESHARATTAMMA (FIRST DEFENDANT),  
RESPONDENT.\*1934,  
August 17.*Court Fees Act (VII of 1870), sec. 7 (iii) and (iv) (a)—Suit for recovery of specified promissory notes only—Court-fee payable in respect of.*

A suit for a declaration that the person really interested in certain promissory notes is the plaintiff and not the defendant in whose name they stood and for recovery of the notes but not for the recovery of the money due thereunder falls under section 7 (iv) (a) and not under section 7 (iii) of the Court Fees Act (VII of 1870), and court-fee is payable on the amount at which the plaintiff values the relief sought.

PETITION under section 115 of Act V of 1908, praying the High Court to revise the order of the Court of the Subordinate Judge of Tenali, dated 26th January 1934 in Ordinary Suit No. 30 of 1932.

*V. Subrahmanyam* for petitioner.

*B. Satyanarayana* for respondent.

## JUDGMENT.

I do not agree with the view taken by the Subordinate Judge and the court-fee examiner. This suit is for a declaration that the person really interested in the promissory notes is the plaintiff and not the defendant though they stand in the defendant's name and for recovery of the notes but not for the recovery of the money due on the

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\* Civil Revision Petition No. 196 of 1934.

notes. The makers of the notes are parties so that the finding may be binding on them also.

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v.  
SESHARAT-  
TAMMA.

Section 7, clause iv (a) of the Court Fees Act is the clause applicable and not clause iii as the Subordinate Judge seems to think.

Under section 7, clause iv (a), Court Fees Act, the plaintiff has not got to pay court-fees on the value of the notes. The value of the notes is not the money due on the notes. Their value is only evidentiary. The plaintiff has got to state the value at which he values the relief sought. He has stated it to be Rs. 500.

I set aside the order of the Subordinate Judge and find that the plaintiff has not to pay additional court-fees.

I do not see that I should make the respondent liable for the costs. I am not able to see that I can make any other person liable for costs.

There will be no order as to costs in this petition.

K.W.R.