

CPC S. 149 - CPC O. 7 R. 11(c) - Appellant while presenting the plaint inter alia contended that sufficient court fee stamps were not available in the sub-treasury - The Presiding Officers of the local Civil Courts in a given situation would be aware thereof - It may, therefore, consider the prayers made in that behalf by a suitor liberally - If court fees are not available in a sub-treasury for one reason or the other, the court having regard to the maxim `lex non cogit ad impossibilia” would not reject such a prayer - Payment of court fees furthermore is a matter between the State and the suitor - Indisputably, in the event a plaint is rejected, the defendant would be benefited thereby, but if an objection is to be raised in that behalf or an application is to be entertained by the court at the behest of a defendant for rejection of the plaint in terms of Order VII rule 11(c) of the Code, several aspects of the matter are required to be considered - Once an application under Section 149 is allowed, Order VII Rule 11(c) of Code will have no application.

[P.K.Palanisamy v. N.Arumugham, 2009 PLRonline 0006](#)