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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.07.2026**

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

**C.R.P(MD).No.1753 of 2026
and C.M.P(MD).No.8458 of 2026**

1.M.H.Thoulath Bevee
rep. ,by power agent
M.H.Mumtaj

2.M.H.Mumtaj

... Petitioners

Vs

O.S.Mohamed (died)
K.U.Abdul Kareem Mubarak (Died)
1.O.M.Jamal Mohideen
2.O.M.Sahul Hammed
3.A.S.Saibullah Haja
4.A.S.Ashif Mohamed
5.A.S.Abith Salman
6.Bowsiya
7.S.Shareefa
8.Thamana Vajeeha
9.A.Vaseela
10.Rahmathun Kamila
11.O.M.Mahamed Yusuf
12.K.A.Mohamed Kasim

... Respondents

Prayer: Petition is filed under Article 227 of the Constitution of India, to set aside the fair and executable order dated 27.04.2026 passed in Tr.O.P.No.9 of 2026 in O.S.No.103 of 2013 on the file of the learned Principal District Court, Tenkasi, and allow the civil revision petition.



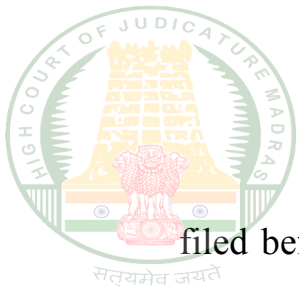
For Petitioners : Mr.K.Dinesh

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ORDER

This civil revision petition is filed challenging the order passed by the Principal District Court dismissing the application filed by the petitioners seeking transfer of the suit.

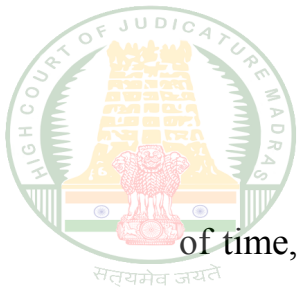
2.The petitioners herein filed their suit in O.S.No.103 of 2013 on the file of the Principal District Munsif Court, Tenkasi, seeking declaration that the suit properties are the properties of the partnership firm called 'M/s.SHA CRUSHERS' and for consequential injunction. At the time of filing of the suit, as per the unamended Court Fees Act, the suit was valued based on kist value of the suit properties at Rs.460.50 paise. Since the value of the suit property, as per the unamended Court fees Act, was below the pecuniary limits of the District Munsif, the suit was presented before the District Munsif Court. It is seen from the typed set of papers that the trial in the suit already commenced and the same is in advanced stage. At this stage, the petitioners filed instant transfer application before the District Court seeking transfer of the suit to Subordinate Court on the ground that the value of the suit property exceeds Rs.1 Lakh and therefore, this suit should not have been



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filed before the District Munsif Court and the proper forum to entertain the suit was the Subordinate Court. The learned District Judge rejected the transfer application on two grounds that (i) the objection regarding pecuniary jurisdiction should have been raised at the earliest possible time and at this belated stage, the petitioners were not entitled to raise objection regarding pecuniary jurisdiction. Secondly, the learned District Judge said that in case, the Court found that it lacked pecuniary jurisdiction to entertain the suit, the proper course would be to return the plaint for presentation before the appropriate Court, having jurisdiction and remedy of transfer could not be pressed into service.

3.It is seen from the typed set of papers that the suit was presented in the year 2013 before the amendment of Tamil Nadu Court Fees Act. Therefore, as per the unamended provisions of Tamil Nadu Court Fees Act, when the suit pertains to agricultural lands, it could be valued based on kist value of the land in question. As per the old unamended provision, the plaintiffs rightly valued the suit property based on kist value and arrived at the value of the suit property at Rs.460.50 paise. Now, it is not open to the petitioners to condense the value of the suit property was much more than what was stated in the plaint. As per the law prevailing at the relevant point



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of time, the suit property could be valued on the basis of the kist value, and the plaintiffs had rightly valued the suit accordingly. In such circumstances, the contention raised by the petitioners that, as per the document relied on by them, the value of the suit property is more than Rs.1,00,000/- is not acceptable to this Court. The learned District Judge by rightly appreciating the belated filing of transfer application and also impermissibility of raising objection as to pecuniary jurisdiction after the commencement of trial, dismissed the transfer application. I do not find any error in the said order. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.07.2026

NCC : Yes/No
Index : Yes/No
Rmk

To

- 1.The Principal District Judge, Tenkasi.
- 2.The Section Officer,
VR Section, Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

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