

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM:

THE HON'BLE MR.JUSTICE D.HARIPARANTHAMAN

CRP (PD) No.3159 of 2015

and

M.P.No.1 of 2015

Baskar Sethupathi
Represented by its Power Agent,
Seenuvasan

... Petitioner

Vs.

Ramachandran

... Respondent

PRAYER: Petition filed under Article 227 of Constitution of India against the order dated 26.03.2015 passed in I.A.No.310 of 2014 in O.S.No.127 of 2010 on the file of Principal District Munsif at Villupuram District.

For Petitioner : Mr.R.Govindasamy

ORDER

The revision petitioner herein is the plaintiff. He filed O.S.No.127 of 2010 on the file of the Principal District Munsif Court, Villupuram, seeking declaration with respect to the suit schedule property.

2. The respondent herein, who is the defendant in the suit, filed I.A.No.310 of 2014 in O.S.No.127 of 2010, under Order 14 Rule 2 read with 12(2)

of the Tamil Nadu Court Fees and Suit Valuation Act, to decide the pecuniary jurisdiction as a preliminary issue. The Trial Court allowed I.A.No.310 of 2014 in O.S.No.127 of 2010 on 26.03.2015. Aggrieved by the same, this Civil Revision Petition is filed.

3. The learned counsel for the revision petitioner has assailed the aforesaid order and submitted that the preliminary issue has to be decided along with the main issue.

4. I have considered the submission made by the learned counsel for the revision petitioner.

5. I am not inclined to agree with the submission made by the learned counsel for the revision petitioner. There is nothing illegal in the order of the Trial Court in holding that the issue relating to the pecuniary jurisdiction has to be decided as a preliminary issue. In fact, the same is found in Order 14 Rule 2(2) C.P.C. Hence, I am not inclined to entertain this Civil Revision Petition at this juncture.

6. The learned counsel for the petitioner has submitted that a direction could be issued to the Trial Court to dispose of the preliminary issue within a

stipulated period.

7. In such circumstances, while dismissing this Civil Revision Petition, a direction is issued to the Trial Court to dispose of the preliminary issue within a period of two months from the date of receipt of a copy of this order.

8. This Civil Revision Petition is dismissed with the above direction.
No costs. Consequently, connected miscellaneous petition is closed.

13.08.2015

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To

1. The Village Administrative Officer,
Kundarapalli Village,
Krishnagiri Taluk and District.
2. The Tahsildar,
Taluk Office,
Krishnagiri District - 635 001.
3. The District Collector,
Collectorate,
Krishnagiri District - 635 115.
4. The District Munsif Court,
Krishnagiri.

D.HARIPARANTHAMAN, J.

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