

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

CORAM

THE HONOURABLE MR. JUSTICE **D.HARIPARANTHAMAN**

C.R.P.(PD)No.3500 of 2015 and
M.P.No.1 of 2015

P.Vengai Rajendran

... Petitioner

vs.

1.M.C.Deepak
2.C.Gowthaman

...Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order of Subordinate Judge of Perundurai in unnumbered I.A.No.2015 (C.F.R.No.380 dated 28.01.2015) in O.S.No.181 of 2011 dated 06.03.2015.

For Petitioner : Mr.V.Bharathidasan

ORDER

The revision petitioner is the defendant in O.S.No.181 of 2011 on the file of the Sub-Court, Perundurai and the respondents herein are the plaintiffs. The suit is for permanent injunction.

2. The respondents/plaintiffs valued the suit as Rs.1,01,000/- for the purpose of filing the suit at Sub-Court, according to the revision petitioner. Hence, the petitioner filed a petition under Order 7 Rule 11 CPC in unnumbered petition in O.S.No.181 of 2011, to reject the plaint.

3. The Trial Court held that the relief of injunction is an intangible right and not based on the value of the suit property. Since the right is an intangible right, the plaintiffs are at liberty to value the intangible right. The plaintiffs have valued the suit as Rs.1,01,000/-. The Trial Court further held that the suit was posted for cross-examination of PW1 and at that stage, the petitioner/defendant filed the petition to reject the plaint. Since no case was made out to reject the plaint, the Trial Court rejected the petition, by an order dated 06.03.2015. Hence, the present civil revision petition.

4. I have heard the learned counsel for the petitioner.

5. It is well settled that Order 7 Rule 11 CPC shall be confined to the pleadings made in the plaint and the Court cannot go beyond the pleadings. Hence, when the plaintiffs valued the suit as Rs.1,01,000/- for permanent injunction, the Trial Court thought that there was no illegality in the pleadings and rejected the petition filed by the petitioner. Hence, I am not inclined to interfere with the order passed by the Trial Court.

6. At this juncture, the learned counsel for the petitioner has submitted that the petitioner may be given liberty to file an application under Section 12 of the Tamil Nadu Court Fees and Suit Valuation Act, 1955. In fact, this Court need not give any such liberty and it is his right to file an application, if so advised.

7. The Civil Revision Petition is dismissed with the above observations.

No costs. Consequently, connected miscellaneous petition is closed.

28.08.2015

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To

The Sub-Court, Perundurai

D.HARIPARANTHAMAN,J.,

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C.R.P.(PD)No.3500 of 2015

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