

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) No.4900 of 2014
and M.P.No.1 of 2014

Bujji Ammal

... Petitioner

Versus

R.Hamsa
Rep. by her Power Agent
Hemanth Kumar
S/o.Late Shanmugasundara Mudaliar
171 Luz Church Road,
Mylapore,
Chennai – 600 004.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 23.01.2014 on the issues of value of suit properties, Court Fee and Pecuniary jurisdiction passed in I.A.No.129 of 2013 in O.S.No.84 of 2011 on the file of the Subordinate Court, Ponneri.

For Petitioner : Mr.N.R.Anantha Ramakrishnan

For Respondent : Mr.R.Margabandhu

ORDER

The respondent filed a suit for declaration and injunction against the petitioner in O.S.No.84 of 2011. In the said suit, the petitioner filed an Interlocutory Application in I.A.No.129 of 2013 to decide the question of valuation as a preliminary issue. The application was partly allowed by the learned Trial Judge with an observation that additional issue would also be decided along with other issues.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The petitioner wanted to raise an issue with regard to valuation. The Trial Court agreed to consider the said issue along with other issues. The prayer to take up the additional issue with regard to valuation was rejected by the Trial Court on the ground that the said issue can be taken up along with other issue. There is no question of directing the question of valuation to be taken as a preliminary issue. The Trial Court agreed to frame an additional issue with regard to valuation. The said issue would also be decided along with other issues. I am therefore of the view that there is no reason made out by the petitioner to interfere with the order in I.A.No.129 of 2013.

4. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2016

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To

The Subordinate Court,
Ponneri.

K.K.SASIDHARAN, J.

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