

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 12.12.2016**

**CORAM**

**THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA**

**C.R.P.PD.No.3865 of 2016**  
**and C.M.P.No.19670 of 2016**

R.Rangasamy Gounder

... Petitioner

**Vs.**

1.Minor J.Vijayalakshmi  
Rep. by her father and natural guardian  
M.Jegannathan

2.U.Ramasamy Gounder

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 26.06.2016 passed by the learned Principal Subordinate Judge, Coimbatore, in unnumbered I.A.No. of 2016 in O.S.No.40 of 2016 and to entertain the said I.A. and decide the same on merits.

For Petitioner: M/S.Sai Bharath and Ilan

**ORDER**

The defendant has filed an application under Order VII Rule 11 of C.P.C. to reject the plaint on the ground that the plaintiff has not properly valued the suit in the plaint.

2. According to the learned counsel for the petitioner, the property is under valued and the Court fee paid is not correct, as the claim is based on a settlement deed dated 10.08.2015, the value of the property mentioned in the settlement deed is said to be Rs.65 Lakhs, whereas the plaintiff has valued only Rs.5 Lakhs. Hence, the application for rejection of the plaint was filed. Without even numbering the same, the said application was dismissed by the trial Court stating that the Court has not issued any notice to the plaintiff at the stage of calculation of deficit Court fee. Hence, the petition cannot be entertained.

3. The endeavor of the counsel for the petitioner is that the Court has omitted the notice in regard to the deficit Court fee and hence, he has brought the same to the knowledge of the Court, which has not even been entertained by numbering the application.

4. In view of the above facts, the learned Principal Subordinate Judge, Coimbatore, is directed to number the I.A. and dispose of the same on merits, after issuing notice to the other side.

5. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**12.12.2016**

Index : Yes/No

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To

The Principal Sub-Judge, Coimbatore.

**PUSHPA SATHYANARAYANA.J**

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