

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

Review Application No.29 of 2015
in C.R.P.(PD)No.1510 of 2013

Ananthi Murthy
(Rep. by her Power of Attorney P.S.Saravanan) .. Applicant

.. Vs ..

The Pentecostal Mission,
Rep. by Pastor G.Manasseh,
S/o.A.Gunasekaran,
Roja Street, Srinivasa Nagar Post,
Irumbaliyur, Chennai - 63. .. Respondent

Prayer:- Review Application filed Under Order 47, Rule 1 and 2 read with Section 114 of C.P.C., to review the order passed by this Court in C.R.P.(PD)No.1510 of 2013, dated 02.09.2014.

For Applicant : Mr.S.V.Jayaraman, Senior Counsel
for Mr.M.S.Palaniswamy
For Respondent : Mr.K.Premkumar

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ORDER

The applicant has come forward with this application to review the order passed by this Court in C.R.P.(PD)No.1510 of 2013, dated 02.09.2014.

2. Mr.S.V.Jayaraman, learned Senior Counsel appearing for the applicant/plaintiff would submit that while passing the order in C.R.P.PD.No.1510 of 2013, this Court has assessed the value of the suit on the basis of the market value of the suit property, since the suit property is a house site and directed the applicant/plaintiff to pay the additional court fee within the stipulated time. The learned Senior Counsel would further submit that as per the revenue records, the suit property is ryotwari land and it is not a house site. Since the suit property is ryotwari land, as per Section 7 of the Tamil Nadu Court Fees and Suit Valuation Act, only kist has to be assessed and hence, he prays to review the order dated 02.09.2014, passed by this Court in C.R.P.(PD)No.1510 of 2013.

3. The suit has been filed for declaration of title and recovery of possession. In the plaint, it was specifically mentioned that the suit property situated at 116, Injambakkam Village, Tambaram Taluk, Kanheepuram District, comprised in Old Survey Nos.180/3 to 5, present Survey Nos.180/5A, 180/3 A8B and 180/4E (part) measuring 150 feet North to South on East & West; 79 feet 10" East to West on the North and 79' East to West on the South, total extent - 11979 sq. ft., is a house site. In such circumstances, there is no error apparent on the face of the record. The question as to whether the suit property is ryotwari land or house site has to be decided only at the time of trial or if the applicant/plaintiff files an application under Section 12(3) of the Tamil Nadu Court Fees and Suits Valuation Act. Therefore, I do not find any reason to review the order passed by this Court in C.R.P.PD.No.1510 of 2013. Hence, this Review Application is dismissed.

03.03.2016

Internet : Yes
Jrl

R.MALA, J.

Jrl

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