

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.3300 of 2017

Dr.S.Lalithakumar ... Petitioner

Vs.

1. Premila Jayamohan
2. Sharmila Sampathkumar
3. Chitra
4. Sanjay Jayamohan ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order in I.A.No.151 of 2016 in O.S.No.6889 of 2014, dated 31.07.2017 on the file of the XVIII Additional City Civil Court, Chennai.

For Petitioner : Mr.G.Appavu

ORDER

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This Civil Revision Petition has been filed against the fair and decreetal order dated 31.07.2017 made in I.A.No.151 of 2016 in O.S.No.6889 of 2014 by the learned XVIII Additional Judge, City Civil Court, Chennai.

2. The Revision Petitioner is the defendant in the suit pending on the file of XVIII Additional City Civil Court, Chennai, in O.S.No.6889 of 2014. According to the revision petitioner, the market value of the property was much more than the value shown in the plaint. If the actual value is shown, the Court will not have pecuniary jurisdiction to try the suit.

3. The revision petitioner has also filed an interlocutory application in I.A.No.151 of 2016 under Section 12(2) and (3) of the Tamil Nadu Court Fees and Suits Valuation Act, 1955 read with Order VII, Rules 10 and 151 of the Civil Procedure Code for return of the plaint. The said application was rejected on the ground that the valuation can be done on the basis of the averments made in the plaint.

4. I do not find any error in the order passed by the Trial Court. However, a direction is issued to the learned XVIII Additional Judge, City Civil Court, Chennai to consider the issue of valuation of the property as a preliminary issue while disposing the suit.

5. With the above observation, this Civil Revision Petition is disposed of. No costs.

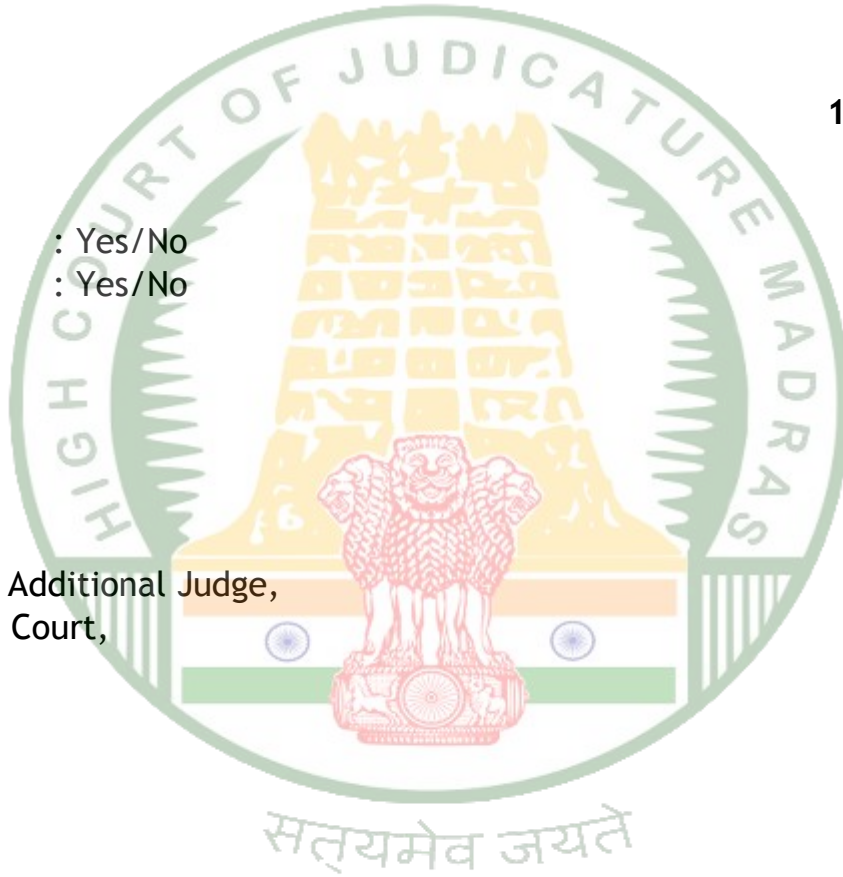
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Index : Yes/No
Internet : Yes/No
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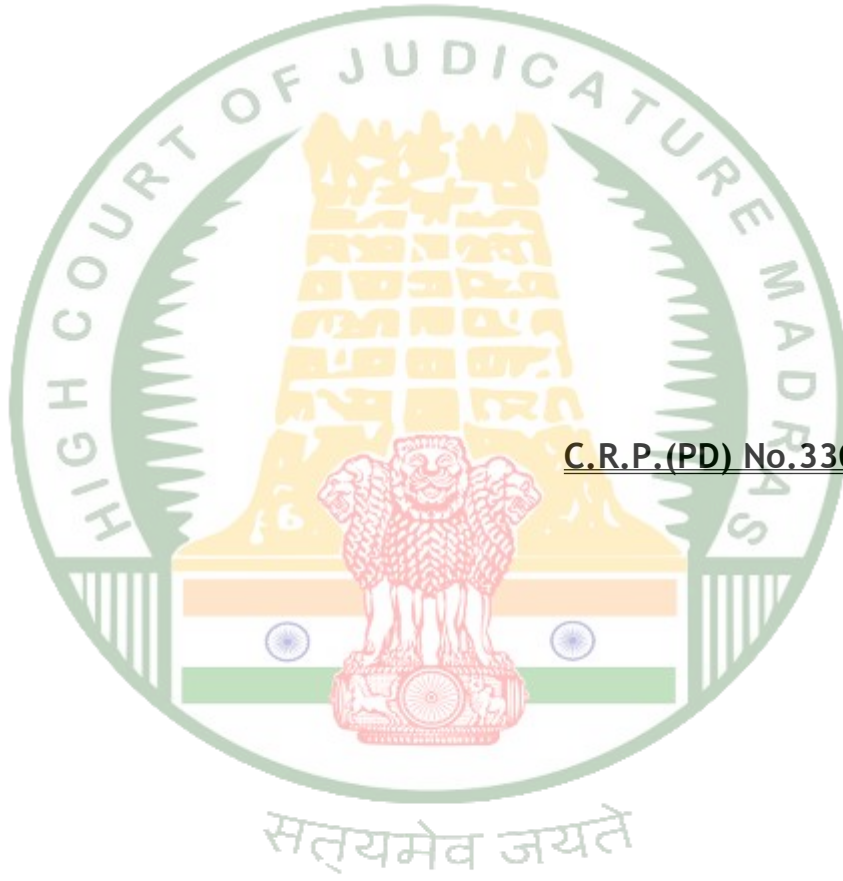
The XVIII Additional Judge,
City Civil Court,
Chennai.



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M. GOVINDARAJ, J.

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