

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 19-09-2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.PD.No.3485 OF 2017

TH.Anbuchelvi

Petitioner

-VS-

1.T.Jawahar

2.K.Bhaalasubramaniam

3.T.Lyla

Respondents

Petition under Article 227 of the Constitution of India, against the order, dated 17.08.2017, passed in O.S.S.R.No.10046 of 2017 on the file of Principal District Munsif Court, Alandur.

For petitioner : Mr.A.Kalaivanan

ORDER

This Civil Revision Petition is filed against the return of plaint by the Court below, on the ground of improper valuation of the suit.

2. The Court below has returned the plaint, for representation with proper court fee under Section 40 of the Tamil Nadu Court Fees and Suit Valuation Act, before the appropriate Court.

3. The case of the petitioner/plaintiff is that the relief sought for in the suit is only for declaration and, therefore, the value mentioned in the plaint is correct.

4. Learned counsel for the petitioner would submit that based upon the sale deed, which is sought to be declared as null and void, the respondents are trying to encumber the property.

5. Valuation of the property can be elicited only during trial, after the respondents/defendants enter appearance. Therefore, it is premature to reject the plaint, on the ground of undervaluation of the property. In the interest of justice, the trial Court is directed to number the O.S.S.R.No.14006 of 2017, frame appropriate issues and proceed with the matter in accordance with law. Till such time, the parties are directed to maintain status quo.

6. Civil Revision Petition is disposed of as above. No costs. Consequently, the connected C.M.P.No.16205 of 2017 is closed.

Index : Yes/No
Internet : Yes/No

19-09-2017

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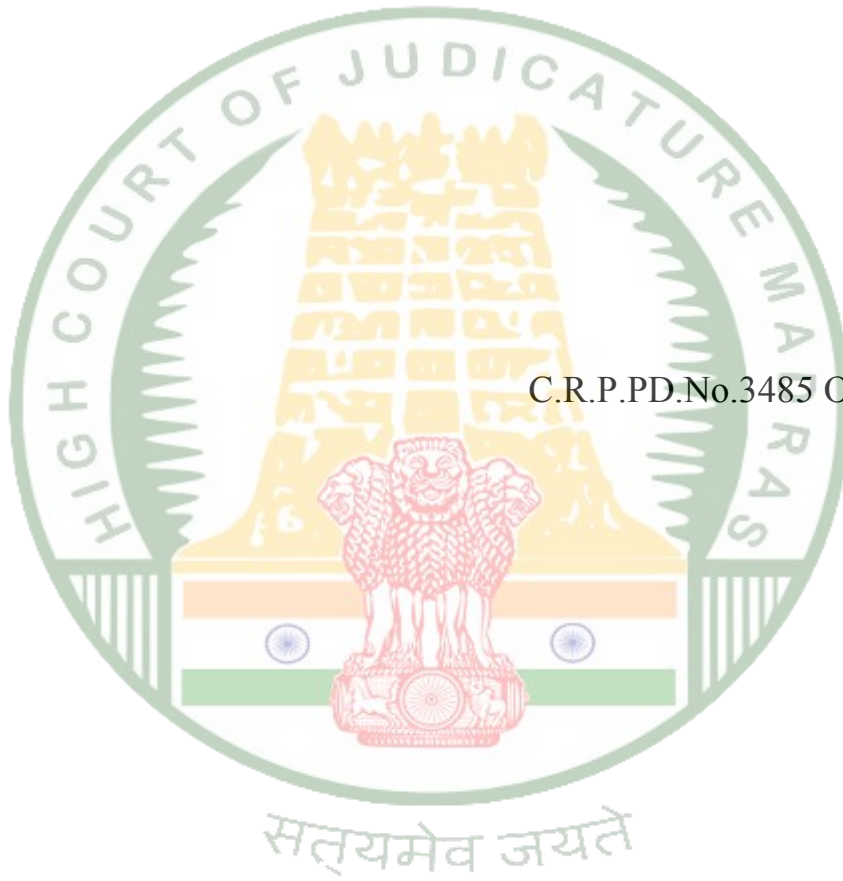
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To

The Principal District Munsif Court,
Alandur.

M.GOVINDARAJ,J.

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