

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.12.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

**CRP(PD)No.3856 of 2011
and
M.P.No.1 of 2011**

- 1.M.Natarajan
- 2.V.P.Veerappan
- 3.K.Seenivasan
- 4.K.C.Karuppan
- 5.S.Periasamy
- 6.K.Ramachandran
- 7.V.S.Mani
- 8.S.R.Kulandhan
- 9.P.N.Palanisamy
- 10.C.Venkatachalam @ Ravi
- 11.G.Venkatachalam
- 12.K.Ramasamy
- 13.P.K.Venkatachalam

.. Petitioners

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Vs.

- 1.Kongunattu Vellalar Sangam,
rep. by its Secretary R.Nallathambi
S/o Ramasamy Gounder
D.No.6/359, C.Paramathy Road,
Namakkal Town & Taluk.

2.District Registrar (Societies),
Trichy Road, Namakkal

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and decretal order dated 08.08.2011 made in O.S.No.176 of 2010, on the file of the learned Principal District Judge, Namakkal.

For Petitioners : Mrs.P.T.Asha
for M/s.Sarvabhauman Associates

For Respondents : Mr.R.Karthikeyan

ORDER

That the instant Civil Revision Petition is filed by the defendants 1 to 13 in O.S.No.176 of 2010 as against the order holding that the Principal District Court at Namakkal has jurisdiction to try the above suit on the question of preliminary issue as regards the Court fee and jurisdiction.

2.The 1st respondent as plaintiff has filed the above suit for declaration, to declare the proceedings of the 14th defendant dated 06.07.2010 as null and void and consequently not to implement the order passed by the 14th defendant before the Principal District Court at Namakkal. The plaintiff has also sought for the relief of permanent

injunction restraining the defendants 1 to 13 from interfering with the administration of the property of the plaintiff by its Secretary. The defendants filed written statement and denied all the allegations contained in the plaint. Based on the rival submission pleadings, the trial Court framed five issues. After framing of issues the learned counsel for the defendants filed a memo with a request to frame an additional issue as to whether the suit is properly valued and proper Court fee is paid and whether the concerned Court have jurisdiction to try the suit.

3. Since the defendants raised question of jurisdiction, the learned Principal District Judge took up the said issue as a preliminary issue and decided the same in favour of the plaintiff by holding that the suit is properly valued and the Court fee paid is also correct. Therefore the learned Principal District Judge held that the Principal District Court, Namakkal is having jurisdiction to try the suit. The present Civil Revision Petition is focused as against said order.

4. I heard Mrs.P.T.Asha for M/s.Sarvabhauman Associates learned counsel appearing for the petitioners and Mr.R.Karthikeyan, learned counsel appearing for the respondents and perused the entire records.

5.A perusal of the order of the trial Court would disclose that the issue involved in the suit pertaining to Tamil Nadu Societies Registration Act, 1975. As far as the jurisdiction of the District Courts are concerned only the market value of the property mentioned in the plaint will be taken into account and if the value of suit property exceeds Rupees 10 lakhs, then the same is to be tried by a District Court. Whereas, the present suit, the plaint deals with a Sangam registered under the Tamil Nadu Societies Registration Act, 1975. Under Section 2(b) of the said Act, the Court in the Presidential Town means the City Civil Court and elsewhere the District Court. But in the said Act the payment of Court fee is nowhere mentioned. Therefore the trial Court by considering the above said aspect in the proper and correct approach by holding that under Section 2(b) of the said Act, the Court means only the "District Court" and under 25(d) and 27(c) of the Court Fees and Suit Valuation Act, the plaintiff has valued the suit as Rs.1000/- and has paid the minimum Court fee which in the considered opinion of this Court is proper.

6.Further, regarding the issue of Court fee, it is to be pointed out that for deciding the value of Court fee, the averments in the plaint

alone are to be considered by the Court. In view of the above, I do not find any error or illegality in the said order warranting interference, by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

7.In the result, this Civil Revision Petition is dismissed by confirming the Fair and decreetal order dated 08.08.2011 made in O.S.No.176 of 2010 on the file of the Principal District Judge, Namakkal. No costs. Consequently, connected miscellaneous petition is closed.

07.12.2017

Speaking Order
Index:Yes

vs

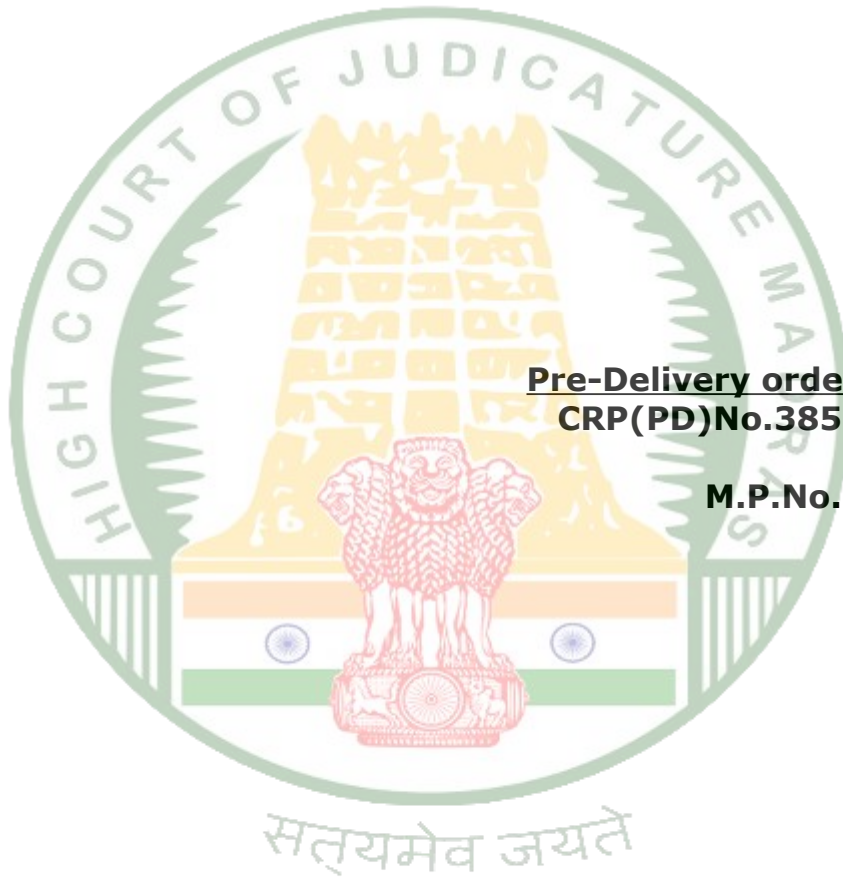
To

The Principal District Judge,
Namakkal.

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M.V.MURALIDARAN, J.

VS



Pre-Delivery order made in
CRP(PD)No.3856 of 2011
and
M.P.No.1 of 2011

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