

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.407 of 2015
& M.P.No.1 of 2015

A.Arokiaraj

.. Petitioner

Vs.

1.Devaki

2.Sundarapandiyan

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 27.06.2014 made in I.A.No.102 of 2014 in O.S.No.35 of 2013 on the file of the Principal District Munsif Court, Cuddalore.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mrs.R.Meenal

ORDER

Civil Revision Petition is filed against the fair and decretal order dated 27.06.2014 made in I.A.No.102 of 2014 in O.S.No.35 of 2013 on the file of the Principal District Munsif Court, Cuddalore.

2. Heard the learned counsel for the petitioner as well as the respondents and perused the materials available on record.

3. The petitioner is defendant and respondents are the plaintiffs in O.S.No.35 of 2013. The respondents filed suit for declaration to declare the sale deed dated 12.05.1997 is a nominal sale deed, the respondents are the owners of the properties and for recovery of possession. The petitioner filed written statement and is contesting the suit.

4. The petitioner filed I.A.No.102 of 2014 under Order VII Rule 11 of C.P.C., for rejection of plaint on the ground that the suit is barred by limitation and the respondents have to pay the Court fee on the market value of the property, as they are the parties to the sale deed. The respondents filed counter affidavit and contended that issue of limitation is mixed question of fact and law and it cannot be decided in a summary manner. The property in question is agricultural land. The respondents have valued the property at 30 times of kisth paid by them and value given in the plaint is correct. The learned Judge accepting the contention of the respondents, dismissed the application filed by the petitioner.

5. It is well settled that issue of limitation is a mixed question of fact and law and it can be decided only by appreciating evidence let in by the parties.

6. As far as value of the suit and Court fee paid by the respondents are concerned, it is not in dispute that the property is agricultural property. The respondents valued the property at 30 times of the kisth paid by them and the same is valid as per the provisions of the Tamil Nadu Court Fees and Suits Valuation Act.

7. The learned Judge has considered all the aspects in proper perspective and dismissed the application by giving cogent and valid reason. There is no irregularity or illegality warranting interference by this Court with the order of the learned Judge dated 27.06.2014.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.12.2017

Index : Yes/No

kj

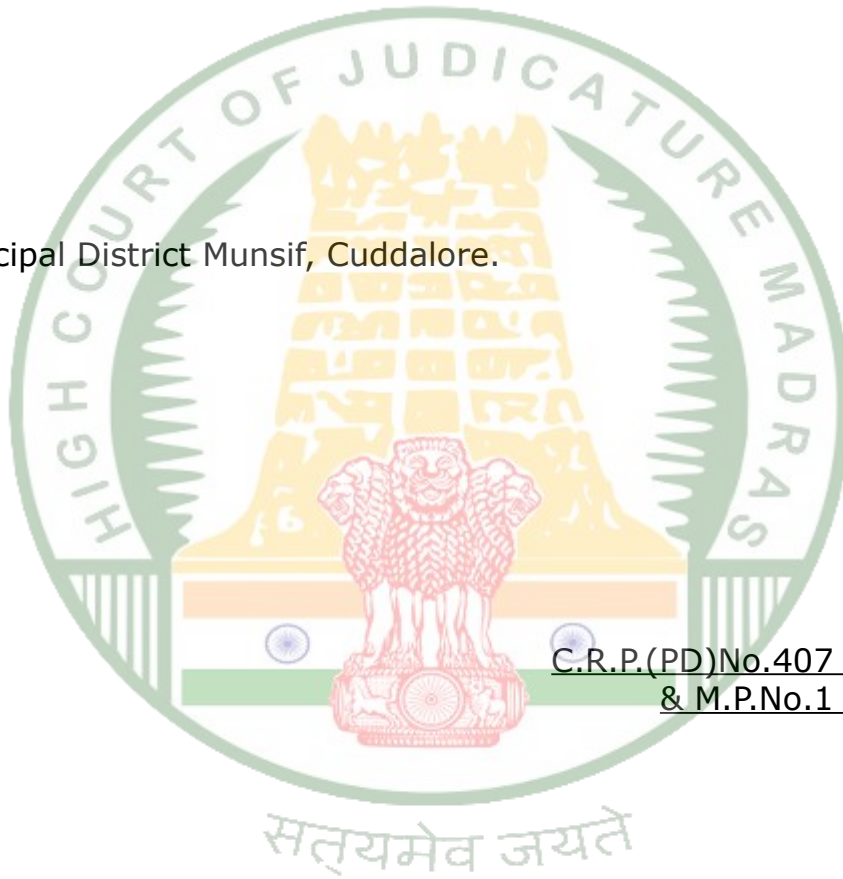
WEB COPY

V.M.VELUMANI, J.

kj

To

The Principal District Munsif, Cuddalore.



C.R.P.(PD)No.407 of 2015
& M.P.No.1 of 2015

WEB COPY

15.12.2017