

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.06.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3238 of 2013 and

M.P.No.1 of 2013

1.John Britto
2.Grazy Rosalin

... Petitioners

Vs

1.Louis Victor
2.Loorthy Marry
3.Ganaraj
4.Sabastian
5.Elizabeth Mary Rani
6.Aswin Antony
7.Angelancy

... Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order in I.A.No.152 of 2012 in O.S.No.13 of 2004 on the file of the District Munsif Court, Thiruthuraipoondi dated 13.06.2013.

For Petitioners : Mr.M.A.R.Pragash

For Respondents : No appearance for R1
R2 to R7 given up

ORDER

The petitioners filed an application before the learned District Munsif, Thiruthuraipoondi, in I.A.No.152 of 2012 in O.S.No.13 of 2004 to frame an additional issue with regard to the valuation and Jurisdiction. The application was dismissed by the learned trial Judge taking inspiration from the order in C.M.A.No.8 of 1996. The said order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel for the petitioners. None appeared on behalf of the respondents.

3. The respondent filed the suit for declaration and consequential injunction before the Trial Court. The petitioners herein earlier filed an application in I.A.No.598 of 2009 challenging the valuation. The said application was dismissed.

4. When the order passed by the Trial Court was taken up before the Appellate Court, Nagapattinam in C.M.A.No.8 of 1996, a direction was issued by the Appellate Court to the respondents to value the property properly. The respondent thereafter valued the property and paid the Court fee. The Trial Court framed the issues for determination. Thereafter, the petitioners filed an application in I.A.No.152 of 2012. The Trial Court found that the application was filed seven years after instituting the suit. The petitioners have not

placed any acceptable materials before the Trial Court to decide the question of valuation. The issue raised by the petitioners with regard to jurisdiction in I.A.No.598 of 2009 has already been rejected by the Trial Court. It is true that the First Appellate Court called upon the respondents to value the property afresh and pay the proper Court fee. The respondents have complied with the said direction. There is no question of deciding the question once again with regard to the jurisdiction. I am therefore of the view that the order passed by the Trial Court is correct.

6. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected Miscellaneous Petition is closed.

07.06.2017

si/arr

To

The District Munsif Court,
Thiruthuraipoondi.

K.K.SASIDHARAN,J.

si

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