

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 12-09-2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.PD.No.3576 OF 2013

1.K.Murugan
2.Saravana Selvi

Petitioners

...

-VS-

Annai Therasa Educational Trust,
rep.by its Trustees
1.Mr.S.Subbaiah
2.Mrs.Saraswathi

Respondents

...

Petition under Article 227 of the Constitution of India against the order, dated 16.08.2013, passed in I.A.No.312 of 2013 in O.S.No.162 of 2011 on the file of Subordinate Court, Poonamallee.

For petitioners : Mr.A.Kumanaraja

For respondents : Mr.V.Manohar

WEB COPY
ORDER

This Civil Revision Petition is directed against the dismissal of the petition, which was filed under Order 7 Rule 11 of C.P.C., by the Court below, for rejection of the plaint.

2. The petitioners, who are defendants in the suit, have filed a petition under Order 7 Rule 11 of C.P.C. to reject the plaint, on the ground that the suit has been undervalued. The suit has a chequered history, where, it has been sent back and forth, for being filed before the Subordinate Court, Poonamallee, and the District Court, Tiruvallur. Ultimately, by an order of the District Court, Tiruvallur, the matter came to be filed on the file of Subordinate Court, Poonamallee. On notice, the defendants have taken a plea that valuation made in the plaint is not proper and the suit is undervalued.

3. This Court, on a previous occasion, has called for records from the Court below. On a perusal of the copy of the plaint, it is found, that by an order passed by the District Court, Tiruvallur, the Subordinate Court, Poonamallee, has entertained the suit. Learned counsel for the petitioner, producing a copy of the guideline value of the suit property, submits that the suit property has been undervalued.

4. Considering the facts and circumstances of the case, the Subordinate Court, Poonamallee, is directed to frame a preliminary issue as to the valuation of the suit property and decide the same before proceeding with the trial on other issues. However, in the interest of justice, if the Subordinate Court, Poonamallee, finds that the suit is maintainable before it, it is further directed to complete the trial and decide the suit within a period of six months from the date of receipt of a copy of this order.

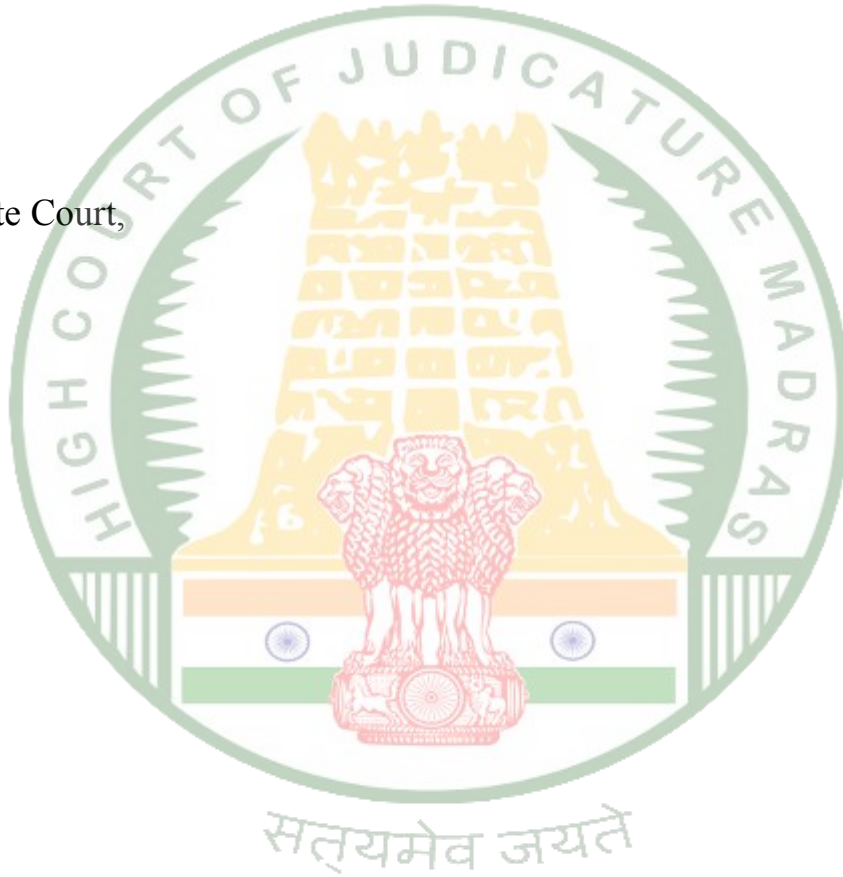
5. With the above directions, this Civil Revision Petition is disposed of.

No costs. Consequently, the connected M.P.No.1 of 2013 is closed.

Index : Yes/No
Internet : Yes/No
dixit

12-09-2017

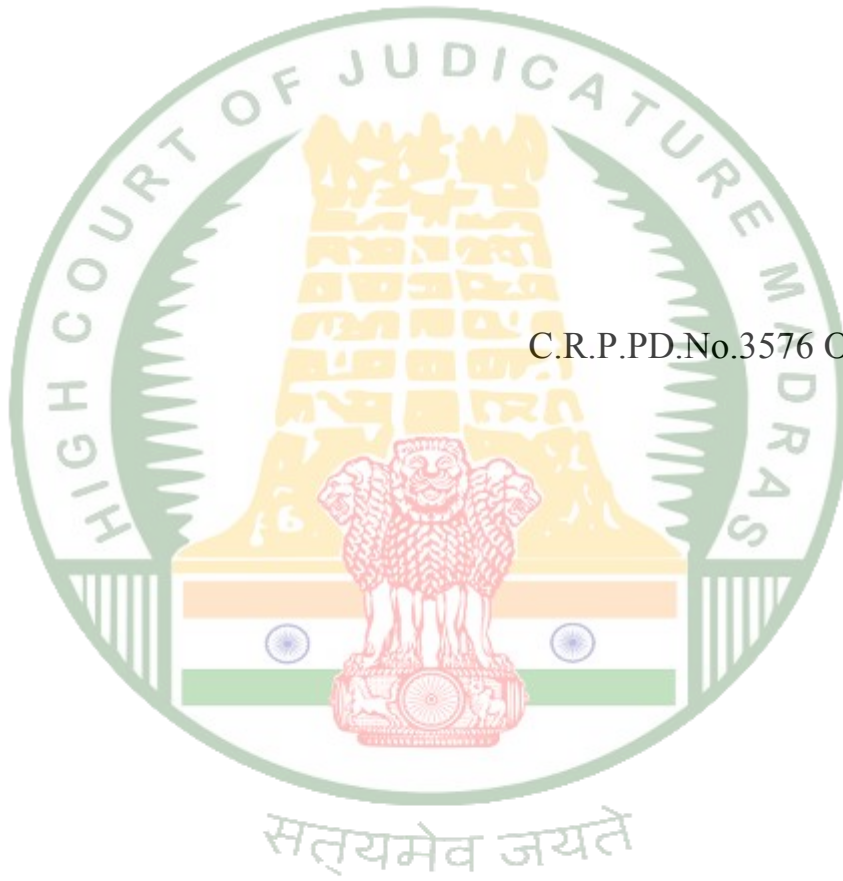
To
The Subordinate Court,
Poonamallee.



WEB COPY

M.GOVINDARAJ,J.

dixit



C.R.P.PD.No.3576 OF 2013

WEB COPY

12-09-2017