



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.534 of 2018

and

C.M.P (MD) No.2311 of 2018

P.Pandi

... Petitioner/Petitioner/
Defendant

Vs.

S.Palanichamy @ Vairathevar

... Respondent/Respondent/
Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 20.11.2017 passed in I.A.No.747 of 2017 in O.S.No.120 of 2007 on the file of the District Munsif Court, Madurai Taluk, Madurai and allow the Civil Revision Petition.

For Petitioner : Mr.K.Meenakshi Sundaram

For Respondent : M/s.P.Kalaiyarasi Bharathi

O R D E R

The petitioner has filed this Civil Revision Petition challenging the dismissal order passed by the District Munsif Court, Madurai Taluk, Madurai, in I.A.No.747 of 2017 in O.S.No.120 of 2007, dated 20.11.2017.

2.The petitioner is the defendant and the respondent is the plaintiff in the suit in O.S.No.120 of 2007 before the District Munsif Court, Madurai Taluk, Madurai. The respondent/plaintiff has filed a suit for permanent injunction. Pending suit, the petitioner/defendant has filed a petition under Order 7 Rule 11 and Section 151 of Civil Procedure Code in I.A.No.747 of 2017 for rejection of plaint on the ground that the respondent/plaintiff, in the plaint, has undervalued the value of the suit property.

3.Considering the facts and circumstances of the same, the learned District Munsif Court, Madurai Taluk, Madurai, has dismissed the said application. Aggrieved against the said order of dismissal, the petitioner has filed the present Civil Revision Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

4. It is an admitted fact that the value of the property can be decided as a preliminary issue. If the trial Court has come to



the conclusion that the property is valued less, it can insist the parties to pay the correct Court fee and the value is more, the learned Judge can direct the plaintiff present before the appropriate Court.

5. It is also admitted fact that no plaint should be rejected for the less value of the property and opportunity must be given to the plaintiff by the Court to value the suit property properly under the appropriate provisions.

6. In the result,

(a) The Civil Revision Petition is dismissed by confirming the fair and decretal order passed by the learned District Munsif, Madurai Taluk, Madurai in I.A.No.747 of 2017 in O.S.No.120 of 2007, dated 20.11.2017.

(b) The learned District Munsif, Madurai Taluk, Madurai, is directed to frame a preliminary issue in respect of valuation of property first and decide and thereafter, other issues are to be framed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Madurai Taluk,
Madurai.

+ 1 CC TO Mr.K.MEENAKSHI SUNDARAM, ADVOCATE IN SR No. 68578
+ 1 CC TO M/s.P.KALAIYARASI BHARATHI, ADVOCATE IN SR No. 68513

AM

TE/SKN-RSK/SAR-2 : 06/07/2018 : 2P/4C

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