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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)No.77 of 2018

and

CMP(MD)No.346 of 2018

1.M.PA Basheer Ahamad

2.M.P.Abdulkhader Jailani

3.R.Mathar Fathummal

4.K.Peer Fathummal

... Petitioners

Vs.

1.R.Bhagavathi

2.Ramraj

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in Check Slip in O.S No.109 of 2016 dated 02.11.2017 on the file of the Principal District Munsif, Tirunelveli.

For Petitioners : Mr.M.Kumar

ORDER

The revision petitioners filed O.S No.109 of 2016 before the learned Principal District Munsif Court, Tirunelveli seeking the relief of declaration in respect of a document. The petitioners have valued the suit under Section 25 (D) of the Tamil Nadu Court Fees and Suits Valuation Act, 1955. Actually, it should be valued in terms of Section 40 of the said Act. But then, the question that arose was whether the valuation should be based on the value mentioned in the document or on the market value of the property. The court below had issued the Check slip in question calling upon the plaintiff to pay the court fees based on the market value of the property. This is questioned in this civil revision petition.

2.The learned counsel appearing for the revision petitioners drew the attention of this Court to the decision of the Hon'ble Supreme Court reported in **(2010) 5 SCC 622 (Satheedevi v. Prasanna and another)**. This Judgment has been followed by the Hon'ble Madras High Court in the decision reported in **2011 (3) CTC 26 (Minor Divay vs. Sengamalai)**. It has been held that the expression "value" as found under Section 40 of the Act must be treated as the value shown in the document and not its market value.

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

3.Therefore, the order impugned in this civil revision petition is set aside and this civil revision petition is



allowed. The plaintiffs are given four weeks time from the date of receipt of a copy of this order to pay the deficit court fees.

4. This Civil Revision Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Principal District Munsif, Tirunelveli.

+1cc to Mr. H. Arumugam, Advocate Sr. No. 83458

SKM

VB/PM/SAR1/04.10.2018/2P/3C

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