



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)Nos.132 & 248 of 2016 (PD)
and
CMP (MD)Nos.624 & 1032 of 2016
in
CRP (MD)Nos.132 & 248 of 2016 (PD)

Rajasubramaniyan ... Revision Petitioner in both cases/1st
Defendant

Vs.

1.Murugaiah

2.Ramayee ... Respondents in both cases/Plaintiffs

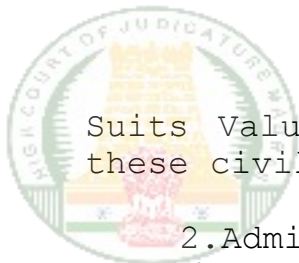
Common Prayer : These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders dated 09/09/15 in I.A Nos.163 & 164 of 2015 in O.S Nos.81 and 82 of 2014 respectively, on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukkottai District.

For Petitioner
in both cases : Mr.K.Baalasundharam

For Respondents
in both cases : Mr.R.Rajaram for R1 & R2

COMMON ORDER

The revision petitioner is the first defendant in O.S No.81 of 2014 and O.S No.82 of 2014 on the file of the District Munsif Court, Thirumayam, Pudukkottai District. The suits have been filed for getting a declaration that the suit documents are null and void and for the consequential relief of permanent injunction. The revision petitioner herein filed I.As, under Order 7 Rule 11 of CPC for rejection of the plaint. The applications were predicated on the ground that the court fee was not paid in terms of Section 40 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955. The court below even while negating the said contention had allowed the applications by directing the plaintiffs to amend the plaint to value in terms of Section 25 (b) of the Tamilnadu Court Fees and



Suits Valuation Act, 1955. These orders are under challenge in these civil revision petitions.

2. Admittedly, the plaintiffs are not parties to the document in question. Only if the plaintiffs are the party to the document in question and they seek declaration that the same is null and void, it will have to be valued under Section 40 of the Act. When they are not a party to the document in question, the valuation of the suit will have to be necessarily under Section 25 (d) of the Act. Therefore, there is no merit in the contention raised by the first defendant. But, in this case, it is seen that there are other issues and they need to be gone into.

3. This Court sustains the contention of the plaintiffs only to the extent that the suit need not be valued in terms of Section 40 of the Act. The revision petitioner is at liberty to file fresh applications in this regard and the same shall be disposed of on merits and in accordance with law. With this liberty, this Civil Revision Petition stands dismissed. The learned counsel appearing for revision petitioner submits that such application will be taken out within a period of four weeks. The court below is directed to dispose of the same within four weeks thereafter, after issuing notice to the parties. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS-II)

To

The District Munsif cum Judicial Magistrate, Thirumayam,
Pudukkottai District.

+2cc to Mr.R.Rajaraman, Advocate, SR.No.80378,80379

+1cc to Mr.K.BAALASUNDHARAM, Advocate, SR.No. 80244

CRP (MD) Nos.132 & 248 of 2016 (PD)

and

CMP (MD) Nos.624 & 1032 of 2016

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