



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.1525 of 2018

1.K.Ramachandran

2.Balamurugan

... Petitioners/Plaintiffs

Vs.

1.P.Gopalakrishnan

2.G.Por Selvi

3.M.Durai Pandi

4.P.Murugesan

5.A.Sanathbegam

6.G.Jeya

7.M.Chandrasekar

8.N.Muthukrishnan

9.A.Kumar

10.B.Premkumar

11.V.Vijayakumar

12.M.Manivannan

13.M.Parameshwari

14.N.Loga Chithra @ Yoga Chithra

15.M.Nedunchelian

16.S.Meenakshi Sundaram

17.V.Latchmanan

18.G.Arumugam

19.A.Sulthan

20.G.Ashok Kumar

21.M.Naveen Nagaraj

22.S.Chandrakala

23.A.Murugan

24.The Sub Registrar,

Joint No.1 Sub Registrar Office,
Virudhunagar-1.

...Respondents/Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the impugned return order, dated 05.03.2018 in un-numbered O.S. Of 2018 on the file of the learned Principal District Judge, Virudhunagar at Srivilliputhur and to set aside the same and consequently direct the learned Principal District Judge, Virudhunagar at Srivilliputhur to number the suit.

O R D E R

The petitioners have filed this Civil Revision Petition to call for the records pertaining to the impugned return order, dated 05.03.2018 in un-numbered O.S. Of 2018 on the file of the learned Principal District Judge, Virudhunagar at Srivilliputhur and to set aside the same and consequently, direct the learned Principal District Judge, Virudhunagar at Srivilliputhur to number the suit.

2. The petitioners, who are the plaintiffs, have filed a suit in unnumbered O.S. Of 2018 before the learned Principal District Judge, Virudhunagar at Srivilliputhur against the respondents/defendants seeking prayer as follows:-

"(a) Declaring that the plaintiffs are the absolute owners of the suit property and in consequence directing the defendants to hand over the vacant possession of the suit property.

(b) Cancelling the impugned Power of Attorney deed in Doc No.240/2009 dated 29.04.2009 registered in the office of the 24th defendant.

(c) Cancelling the sale deed, dated 04.05.2009 in Doc No.1273/2009 registered in the office of the 24th defendant.

(d) Cancelling the sale deed dated 04.05.2009 in Doc No.1274/2009 registered in the office of the 24th defendant.

(e) Cancelling the sale deed dated 04.05.2009 in Doc No.1275/2009 registered in the office of the 24th defendant.

(f) Cancelling the sale deed dated 25.05.2009 in Doc No.1443/2009 registered in the office of the 24th defendant.

(g) Cancelling the sale deed dated 03.06.2009 in Doc No.1546/2009 registered in the office of the 24th defendant.

(h) Cancelling the sale deed dated 25.06.2009 in Doc No.1833/2009 registered in the office of the 24th defendant.

(i) Cancelling the sale deed dated 25.06.2009 in Doc No.1834/2009 registered in the office of the 24th defendant.

(j) Cancelling the sale deed dated 17.08.2009 in Doc No.2296/2009 registered in the office of the 24th defendant.

(k) Cancelling the sale deed dated 30.09.2009 in Doc No.2564/2009 registered in the office of the 24th defendant.

(l) Cancelling the sale deed dated 26.05.2010 in Doc No.1664/2010 registered in the office of the 24th defendant.

(m) Cancelling the sale deed dated 17.06.2010 in Doc No.1982/2010 registered in the office of the 24th defendant.



(n) Cancelling the sale deed dated 17.06.2010 in Doc No.1983/2010 registered in the office of the 24th defendant.

(o) Cancelling the sale deed dated 17.06.2010 in Doc No.1984/2010 registered in the office of the 24th defendant.

(p) Cancelling the sale deed dated 08.07.2010 in Doc No.2318/2010 registered in the office of the 24th defendant.

(q) Cancelling the sale deed dated 19.07.2010 in Doc No.2505/2010 registered in the office of the 24th defendant.

(r) Cancelling the sale deed dated 28.02.2011 in Doc No.4299/2012 registered in the office of the 24th defendant.

(s) Cancelling the sale deed dated 26.06.2014 in Doc No.1889/2014 registered in the office of the 24th defendant.

(t) Cancelling the sale deed dated 18.07.2014 in Doc No.1799/2014 registered in the office of the 24th defendant.

(u) Declare the sale deed dated 30.06.2010 in Doc No.2163/2010 registered in the office of the 24th defendant as null and void.

(v) Declare the sale deed dated 09.08.2010 in Doc No.2701/2010 registered in the office of the 24th defendant as null and void.

(w) Declare the sale deed dated 09.08.2010 in Doc No.2702/2010 registered in the office of the 24th defendant as null and void.

(x) Declare the sale deed dated 09.08.2010 in Doc No.2703/2010 registered in the office of the 24th defendant as null and void.

(y) Declare the sale deed dated 11.04.2011 in Doc No.4300/2012 registered in the office of the 24th defendant as null and void.

(z) Declare the sale deed dated 23.07.2014 in Doc No.2190/2014 registered in the office of the 24th defendant as null and void.

(aa) Granting the permanent injunction restraining the defendants from anyway encumbering the suit properties.

(bb) Directing the defendants to pay the costs of this litigation.

(cc) Granting such other further relief or relives as this Honourable court may deem fit and necessary in the circumstances and nature of this case and in the interest of justice, equity and good conscience and thus render justice."

In the suit, the petitioners have mentioned the valuation of suit for each prayer as follows:-

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

1) The court fee for relief (a) and this suit for the purpose of court fees and pecuniary jurisdiction at



Rs.67,000/- for per Acre present guideline value in the suit property totally 11 acre, 58 cents and the value is Rs.10,78,030/- and after deduction 1/3 rd from total value for prayer (a) and has paid is Rs.7,18,687/- the court fee of Rs.21,561/- under section 25(b) of The Tamil Nadu Court Fee and suit valuation Act 1955.

(ii)The court fee for relief (b) to (s) and this suit for the purpose of court fees and pecuniary jurisdiction at total value of all 19 documents is Rs.7,20,808/- and has paid the court fee of Rs.21,625/- under section 40 of The Tamil Nadu Court Fee and suit valuation Act 1955.

iii)The court fee for relief (t) to (y) and this suit for the purpose of court fees and pecuniary jurisdiction at Rs.5000 X 6 =30,000 and has paid the court fee of Rs.900/- under Section 25(d) of The Tamil Nadu Court Fee and suit valuation Act 1955.

iv)The court fee for relief (z) and this suit for the purpose of court fees and pecuniary jurisdiction at Rs.1000/- and has paid the court fee of Rs.30/- under Section 27(c) of The Tamil Nadu Court Fee and suit valuation Act 1955."

3.The learned Judge has returned the papers on the ground that as per document Nos.4 to 27, the total sale amount comes to Rs.9,69,741/-. Therefore, the learned Judge has returned the plaint by saying that the total sale amount comes to Rs.9,69,741/-, then how this suit is maintainable before the District Court. Even after representing the said return by the plaintiffs, the learned Judge has not entertained the suit on the only ground that total valuation comes to Rs.9,69,741/-. Challenging the said order of return, the petitioners have filed the present Civil Revision Petition.

4.As per the Tamil Nadu Civil Courts Act, Section 12 has stated that the amount or value of the subject-matter does not exceed one lakh rupees, comes under the jurisdiction of District Judge or Subordinate Judge. The petitioner valued the property in the plaint at the rate of 14,70,495/- and they have also paid the Court fee for a sum of Rs.44,116/-. The learned Principal District Judge, Virudhunagar cannot return the plaint only on the ground by calculating the document Nos.4 to 27.

5.The Civil Revision Petition is allowed by setting aside the return dated 05.03.2018. The learned Principal District Judge, Virudhunagar is directed to number the suit filed by the revision petitioner within a period of one week from the date of receipt of a copy of this order, if it is otherwise in order. No costs.

Sd/
Assistant Registrar(CO)

/True copy/



To

1. The Principal District Judge,
Virudhunagar at Srivilliputhur.

2. The Sub Registrar,
Joint No.1 Sub Registrar Office,
Virudhunagar-1.

Copy to:
The Section Officer,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai.

(To return the original Papers)

+1cc to Mr.C.M.Arumugam, Advocate, SR.No. 75476

C.R.P. (PD) (MD) No.1525 of 2018
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AM
KK/RSK/14.08.2018/SAR-4/5P-5C