



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.1897 of 2018

and

C.M.P. (MD) No.8229 of 2018

Durairaj

/Vs./

...Petitioner/ Petitioner/ 4th Defendant

1.Kabildev

2.Kavaskar

... Respondents /Respondents / Plaintiffs

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decretal order passed in I.A.No.903 of 2017 in O.S.No.33 of 2014 dated 12.07.2018 on the file of the Principal District Munsif Court, Ambasamudram and set aside the same by allowing this civil revision petition.

For Petitioner

: Mr.D.Srinivasa Ragavan

ORDER

The fourth defendant in O.S.No.33 of 2014 is the revision petitioner herein. It is a suit for declaration, recovery of possession and permanent injunction. There are totally four defendants in the suit. The revision petitioner herein filed I.A.No.903 of 2017 for taking up the issue of valuation as a preliminary issue to decide whether the Court below is having the pecuniary jurisdiction to try the suit or not. The suit has been dismissed by an order dated 12.07.2018. Questioning the same, the civil revision petition has been filed.

2. The learned counsel appearing for the revision petitioner reiterated the contentions set out in the memorandum of grounds.

3. He also took me to the typed set of papers to show that the property is worth more than 25 lakhs and that it has been fraudulently filed before the Munsif Court by undervaluing the suit property.

4. I am unable to agree with the said submissions. The Court below, after perusal of all the materials placed on record by the revision petitioner, has noted that the property in question namely, Survey No.258 / 1A2 has been classified as Punja land. The reasons given by the Court below are set out in paragraphs 13, 14 and 15 of the impugned order, which read as under:

"13. So this Court perused the computer patta, which was submitted by the petitioner on 24.02.2014.

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In the said patta, the plaint schedule property



Survey Number 258 / 1A2 is classified as Punja Land. In which, the petitioner's name find place. The said joint patta has been issued on 04.07.2005.

14. But the contention of the said petitioner is that the survey No.258/1A2 is classified as house site from the year 1991 on wards. But the petitioner's own records (I.e) patta, sale deed which are stands in the name of him clearly show that, the property is the Punja Land. Further the FMB, which was annexed with the commissioner's plan and report clearly reveals that, the plaint schedule properties are the Punja Lands.

15. Though the petitioner submits the Guideline value for the Anjankattali village Natham Survey Number 258/1A2, no correlation documents filed by the petitioner to indicate that the properties mentioned in the guide line value and the patta, sale deed of the petitioner are one and same. In such circumstances, this Court is not prima facie satisfied and further the petitioner not established that it is the fit case for decide the objection with regard to valuation and court fee as provided under Section 12(2) of Tamil Nadu Court Fees and Suit Valuation Act, 1955. Further the objection raised by the petitioner / 4th defendants has no substance."

5. This Court is of the view that the order impugned in the civil revision petition does not call for any interference. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Principal District Munsif , Ambasamudram.

Copy to

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1CC TO MR.D.SRINIVASARAGAVAN, ADVOCATE IN SR.NO.81988.

SM

DS SV SAR-1 15.10.2018 2P/5C

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Order made in
C.R.P. (MD) (PD) No.1897 of 2018