

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRP PD No.1454 of 2011 and
M.P.No.1 of 2011

Rajakumari

.... Petitioner

Vs.

1. Manjini
2. Dr.Swaminathan
3. S.Dhanalakshmi
4. S.Karthikeyan
5. Lakshmi
6. M.Ganesaraja
7. Saraswathi
8. Sivagamasundari
9. Murthy
10. Raja
11. Selvi

.... Respondents

Prayer : Civil Revision Petition filed under Section Article 227 of the Constitution of India against the order dated 16.02.2011 passed in CMA No.33 of 2005 by the Additional Subordinate Judge, Pondicherry confirming the decree and judgment dated 02.11.2004 passed in O.S.No.537 of 2001 by the II Additional District Munsif, Pondicherry.

For Revision Petitioners : Mr.Perumal

For Respondents 9 to 11 : Mr.G.Astorpathy
for M/s Pan Associates

For Respondents 2 and 3 : Mr.Anand Johnson

For Respondent No.1,6,7,8 : No appearance

ORDER

This revision petition has been filed against the concurrent findings of the courts below, rejecting the plaint for presentation before the appropriate court, on the ground of pecuniary jurisdiction.

2. The petitioner is the plaintiff in the original suit in O.S.No.537 of 2001 and she filed the suit for declaration of her title to the suit property and also for delivery of possession of the suit property. The suit property is a house site and its value has been arrived on the basis of agricultural land. The trial court decided the preliminary issue of pecuniary jurisdiction, on the basis of the evidence adduced and came to the conclusion that the value of the suit property is more than Rs.5,00,000/-. The trial court in fact, examined the Tahsildar concerned and has found that the suit property has been classified as house site in the year 1997, much prior to the suit. The trial court taking note of the evidence of the Tahsildar and the market value of the property, held that it has no jurisdiction to try the suit and the returned the plaint for presentation before the appropriate court within one month. The first appellate has also confirmed the orders passed by the trial court.

4. The learned counsel appearing for the appellant would submit that the suit property is an agricultural land and hence, the value adopted by the court, by the year 2003 may not be correct. However, he would further submit that even if the court is coming to the conclusion that the suit should

be valued on the market value of the property, the revision petitioner should be granted further time to present the suit.

5. I have perused the judgment of the trial court. The suit has been laid for declaration and recovery of possession in respect of the site with specific boundaries. The plaint value has been arrived on the basis of the kist receipt for a sum of Rs.23,50p. However the trial court took the issue with regard to the pecuniary jurisdiction as a preliminary issue and examined the Tahsildar and also perused the records and come to the definite conclusion that the suit property is a house site and it should be valued on the basis of the market value. Section 7(b) of the Puducherry Court Fees and Suits Valuation Act, 1972 speaks about Determination of Market value , which reads thus:

7. Determination of Market value

(b) where the land is house- site whether assessed to full revenue or not, poramboke land, or any other land not falling under Clause (a), its market value.

Hence, I do not find any illegality or error in the judgment passed by the trial court as well as the first appellate court.

6. It appears that the pecuniary jurisdiction of the District Munisf

Court is raised upto Rs.10,00,000/-. Hence, the petitioner is directed to

present the suit before the same Court i.e. II Additional District Munsif, Puducherry, within a period of two months from the date of receipt of a copy of this order, and to make good the deficit court fee.

7. With the above directions, this civil revision petition is disposed of. No costs. The connected civil miscellaneous petition is closed.

21.03.2019

Index : yes/no
Internet : yes/no
Speaking order/non-speaking order
mst

To

1. Additional Subordinate Judge, Puducherry.

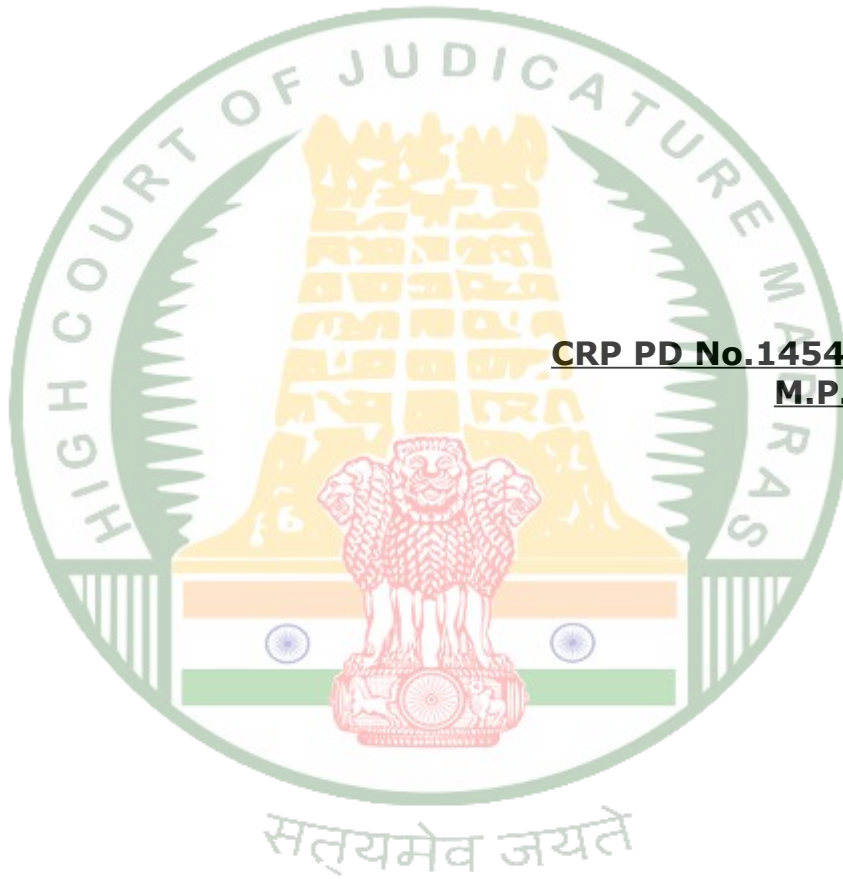
1. The II Additional District Munsif, Puducherry.



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N.SATHISH KUMAR. J.,

mst



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WEB COPY

21.03.2019

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M.P.No.1 of 2011

N.SATHISH KUMAR, J.

This revision petition has been listed today under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. It is brought to the notice of this Court that the pecuniary jurisdiction of the District Munsif Court is raised upto Rs.one lakh and hence, the petitioner may be directed to present the plaint before the concerned Court.

3. In view of the above submissions, in para 6 of the Order instead of Rs.10,00,000/-, it may be read as Rs.1,00,000/- and the petitioner is directed to present the plaint before the appropriate Court at Puducherry within a period of two months from the date of return of the plaint by the concerned Court.

4. Hence, the registry is directed to incorporate the above corrections and issue fresh Order copy to the parties concerned.

vrc

04.09.2019

Note : Issue Order Copy on 05.09.2019