

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2019

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P.(PD).No.2862 of 2013 &
M.P.No.1 of 2013

G.Vasanthakumari

.. Petitioner

..Vs..

R.Prabhuram

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order passed in I.A.No.951 of 2012 in O.S.No.276 of 2012 dated 06.03.2013 on the file of the Sub Court, Pollachi, Coimbatore District in so far as it relates to Para 14 of the impugned order in deciding to take the preliminary issue framed along with the suit is concerned.

For Petitioner

: Mr.R.Saseetharan

For Respondent

: Mr.P.Jagadeesan

ORDER

The instant Civil Revision Petition has been filed against the order dated 06.03.2012 passed in I.A.No.951 of 2012 in O.S.No.276 of 2012 by the Sub Court Judge, Pollachi, Coimbatore District.

2. The petitioner is the third defendant in the suit and the respondent is the plaintiff. The petitioner filed I.A.No.951 of 2012 in O.S.No.276 of 2012 raising a preliminary issue under Section 151 of Code of Civil Procedure that the suit filed by the respondent is undervalued and the Court lacks pecuniary jurisdiction to decide the suit. A counter was also filed by the respondent in I.A.No.951 of 2012 denying the allegations contained in the affidavit filed by the petitioner. The Trial Court by its order dated 06.03.2012 partly allowed I.A.No.951 of 2012 in O.S.No.276 of 2012 by observing that the issue whether the suit is undervalued and the Court lacks pecuniary jurisdiction to decide the suit can be adjudicated while the suit is finally disposed of, after trial.

3. It is now represented by the learned counsel for the petitioner that the trial has already been completed and the case is posted for arguments on 06.02.2019. Since the trial has been completed, the issue

raised by the petitioner is no more a preliminary issue. However, this Court directs the Trial Court to dispose of the suit after giving due consideration for the issue regarding the undervaluation of the suit and the pecuniary jurisdiction of the Court, based on the materials available on record.

4. With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2019

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Note: Issue order copy on 28.01.2019

Index:Yes/No

Internet:Yes/No

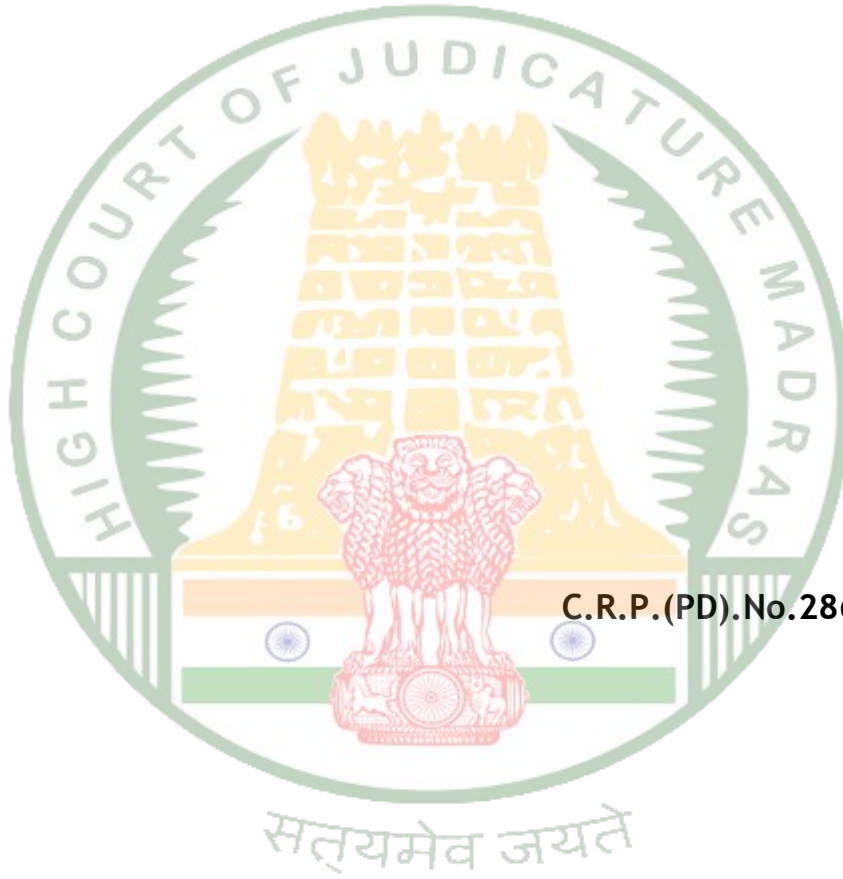
Speaking/Non-speaking orders

To

The Sub Court, Pollachi,
Coimbatore District.

ABDUL QUDDHOSE, J.

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