

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.3210 of 2018
and C.M.P.No.18358 of 2018

M. Selvaraj ... Petitioner/2nd Petitioner/
2nd Defendant

Vs

1.M.AnandharajRespondent/Respondent/Plaintiff

2.M.Kayalvizhi

3.M.Sivaraman

4.M.Malarvizhi

5.M.Asalambal

... Respondents/Petitioners/
Defendants 1,3,4 & 5

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order of the learned District Munsif -cum- Judicial Magistrate, Kattumannarkoil, dated 12.06.2018 in I.A.No.107 of 2016 in O.S.No.87 of 2015.

For Petitioner : Mr.T. Gowthaman

For Respondents : Mr.P. Rathinavelu for R1
Mr.N. Vijayakumar for R2 to R5

ORDER

The above Civil Revision Petition is filed challenging the order dated 12.06.2018 in I.A.No.107 of 2016 in O.S.No.87 of 2015 in and by which the learned District Munsif -cum- Judicial Magistrate, Kattumannarkoil, has dismissed the application filed by the revision petitioner/defendant for rejecting the Plaint under Order VII Rule 11 of the Code of Civil Procedure on the ground that the suit property is undervalued and that the Court lacks the pecuniary jurisdiction to take up the suit.

2.Without going into the merits of this case, it would suffice that under Section 12 of the Tamil Nadu Court Fees and Suits Valuation Act, the Court has to mandatorily first consider and decide the issue as to whether the suit has been properly valued and proper fee has been paid on the same.

3.In addition to that, the provisions of Order VII Rule 11 of the Code of Civil Procedure reads as follows:

"(b).Where the relief claimed is under-valued, and the plaintiff, on being required by the Court to so correct the valuation within a time to be fixed by the Court, fails to do so;

(c)Where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;"

4.Considering the above provisions and ends of justice, the matter is remitted back to the learned District Munsif -cum- Judicial Magistrate, Kattumannarkoil, to consider whether the suit has been properly valued and in the event of the suit has been under-valued, the correct value has to be fixed and the suit to be transferred to the appropriate Court granting time to the plaintiff to make good the difference in Court Fees.

This Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mps

To

The District Munsif -cum- Judicial Magistrate,
Kattumannarkoil.

+1CC to Mr.T.Gowthaman, Advocate Sr.15039
+1cc to Mr.P.Rathinavel, Advocate Sr.14293

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srg 24/04/2019