



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2019

CORAM

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

C.R.P. (PD) (MD) No.2325 of 2013

and

M.P (MD) No.1 of 2013

Vedhamanickam

... Petitioner/Petitioner/2nd Defendant

-Vs-

1.Muthiah

... 1st Respondent/1st Respondent/Plaintiff

2.Ramachandran

... 2nd Respondent/2nd Respondent/1st Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order dated 25.07.2013 made in I.A.No.81 of 2013 in O.S.No.1 of 2012 on the file of the Principal District Munsif Court, Nanguneri.

For Petitioner : Mr.S.Siva Thilakar

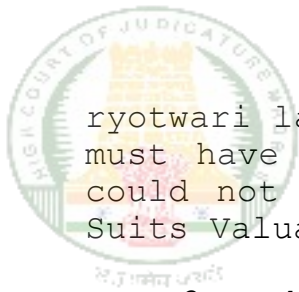
For R1 : Mr.D.Nallathambi

For R2 : No appearance

O R D E R

The defendant in the suit in O.S.No.1 of 2012 has come up with this revision challenging the dismissal of his application filed under Section 12 of the Tamil Nadu Court Fees and Suits Valuation Act.

2. The suit was laid by the plaintiff claiming the reliefs of declaration and consequential permanent injunction in respect of the property, which is shown as Ryotwari Punja land in the revenue records. In view of Section 7(2)(a) of the Tamil Nadu Court Fees and Suits Valuation Act the plaintiff had adopted the valuation as 30 times of the kist which comes to Rs.6. The plaintiff has adopted a value of Rs.2,000/- for the property and has paid the Court fee of Rs.75.05. Upon entering appearance, the defendant contended that the suit property is a house-site and he has in fact put up construction in the suit property and hence, it is ceased to be a



ryotwari land. Therefore, according to the defendant, the plaintiff must have paid the Court fee on the market value of the land and could not invoke Section 7(2)(a) of the Tamil Nadu Court Fees and Suits Valuation Act.

3. The trial Court upon consideration of the facts and circumstances of the case concluded that the valuation of property can only be based on the classification of the land and not the actual user. In support of this conclusion, the trial Court relied upon the judgment of this Court in **Sorna Pandi Nadar v. Sivasubramania Nadar & others** reported in **1976 TNLJ 69**, wherein this Court had held that in order to determine the value of the property, classification of the land as per the revenue records will have to be taken into account and not the actual user. The patta relating to the suit property has been produced and it shows that the land is classified as ryotwari punja and therefore, there is no material irregularity or error of jurisdiction in the order of the trial court. Hence, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Principal District Munsif,
Nanguneri.

Copy to:

The Record Keeper, V.R.Section, (2 Copies)
Madurai Bench of Madras High Court, Madurai.

C.R.P. (PD) (MD) No.2325 of 2013

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JMN(26.12.2019) 2P : 4C