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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 13.03.2019

DELIVERED ON : 12.04.2019

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

C.R.P. (PD) (MD) No.165 of 2015

and

C.M.P. (MD) Nos. 7030 and 7031 of 2017

K.Kanmani

... Petitioner/1st Respondent/
Plaintiff

Vs.

1.R.Sivakumar

2.The Branch Manager,
Indian Bank,
Ramamoorthy Road,
Virudhunagar.

... Respondents/Respondents/
Defendants

Prayer: This Civil revision petition is filed under Article 227 of the Constitution of India, to set aside the order dated 06.11.2014 passed in I.A.No.643 of 2013 in O.S.No.113 of 2013 on the file of the District Munsif of Virudhunagar.

For Petitioner	: Ms.Jessi Jeeva Priya
For 1 st Respondent	: Mr.D.Shanmugaraja Sethupathi
For 2 nd Respondent	: Mr.B.Rajesh Saravanan

ORDER

Heard Ms.Jessi Jeeva Priya, learned counsel appearing for the petitioner, Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the first respondent and Mr.B.Rajesh Saravanan, learned counsel appearing for the second respondent.

2.This Civil Revision Petition has been filed against the order passed in I.A.No.643 of 2013 in O.S.No.113 of 2013 dated 06.11.2014 on the file of the learned District Munsif, Virudhunagar.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The petitioner herein is the plaintiff, the first respondent herein is the first defendant and the second respondent



herein is the second defendant in the suit. The petitioner herein has filed a suit in O.S.No.113 of 2013 for a prayer of permanent injunction and to declare the cancellation of gift deed dated 10.05.2012 as null and void and for a mandatory injunction directing the first defendant to execute a registered deed by cancelling the cancellation of gift settlement deed dated 10.05.2012 and for a mandatory injunction directing the second defendant to hand over all the original deeds along with the parent deeds. During the pendency of the suit, the petitioner has filed a petition in I.A.No.643 of 2013 under Order 7 Rule 11 (d) of C.P.C., to reject the plaint in O.S.No.113 of 2013. The trial Court though dismissed the petition has given a direction to the petitioner to present the suit before the proper forum. Against the order, the petitioner has come forward with the revision petition.

4.On the side of the petitioner, it is stated that the Court fee paid by the petitioner is correct and that the trial Court is wrong in giving a direction when the trial Court dismissed the petition. It is the duty of the trial Court to take up the case for trial.

5.On the side of the respondents, it is stated that the prayer sought for in the petition is for declaring the cancellation of settlement deed as null and void. The value of the property stated in the cancellation settlement deed is Rs.10,00,000/- (Rupees Ten Lakhs only) which is above the jurisdiction of the trial Court and only on that ground, this respondents have filed the petition to reject the plaint and the trial Court has failed to consider the facts as stated by the first respondent herein and that instead of rejecting the plaint, the trial Court has given an opportunity to the petitioner to present the same before the proper forum.

6.The contention of the first respondent is that the market value of the property during the execution of the suit is Rs.10,00,000/- (Rupees Ten Lakhs only). The value of the land increases by two times in Virudhunagar town and that the value of the property is Rs.15,00,000/- (Rupees Fifteen Lakhs only) at the time of filing of the suit itself. The case of the plaintiff is that the suit property belonged to her by virtue of a gift deed dated 23.09.2009 and the suit property is a house site. Even as per the document filed by the petitioner, the value of the property is nearly Rs.10,00,000/- (Rupees Ten Lakhs only) and that the subject matter exceeds the pecuniary jurisdiction of the learned District Munsif and the petitioner has to approach the proper forum.

7.In the above circumstances, there is nothing sufficient enough to interfere in the order passed by the trial Court. The trial Court is directed to return the plaint to the petitioner herein to be submitted before the proper Forum.

8.With the aforesaid direction, this Civil Revision Petition is dismissed by confirming the order passed in I.A.No.643 of 2013 in



O.S.No.113 of 2013 dated 06.11.2014 on the file of the learned District Munsif, Virudhunagar. No Costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS-II)

Sub Assistant Registrar(CS)

To

The District Munsif,
Virudhunagar.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate in SR-60934
+1 CC to M/s.B.RAJESH SARAIVANAN, Advocate in SR-61051
+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate in SR-61093

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12.04.2019

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PK/24.04.2019 : 3P/5C