



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD)No.1794 of 2019

and

C.M.P (MD) No.9238 of 2019

C.Willson

... Petitioner

Vs.

1.Aryas Super Market, a Partnership Firm
Through its one of the partner
R.Shankar Babu

2.R.Shankar Babu

3.M.Jayaprakash Narayanan

4.J.Prabavathy

5.S.Rani

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the order passed in I.A.No.2 of 2019 in O.S.No.21 of 2013, dated 03.07.2019 on the file of the Principal District Munsif Court, Tirunelveli.

For Petitioner : Mr.R.Manimaran

ORDER

This Civil Revision Petition has been filed against the order passed in I.A.No.2 of 2019 in O.S.No.21 of 2013, dated 03.07.2019 on the file of the Principal District Munsif Court, Tirunelveli.

2.The defendant is the revision petitioner. The defendant questioned the dismissal of his application filed under the provision of Order 7 Rule 11 of Civil Procedure Code, wherein, he has questioned the jurisdiction of the Court. As per Exhibit A1, the value of the property is Rs.14,00,000/- and if the true value is taken, the learned Principal District Munsif, Tirunelveli would not have the jurisdiction to try the said suit. The learned Judge has dismissed the said application with the observations that the issue of Court Fee and jurisdiction could be taken up as the preliminary issue.



Aggrieved by the said order, the matter came up for admission.

3.The learned counsel for the petitioner/defendant fairly conceded that it would suffice if the Court below takes up the issue as the Court has jurisdiction of preliminary issue.

4.Considering the submission made by the learned counsel for the petitioner, this Civil Revision Petition is disposed of with a direction to the learned Principal District Munsif, Tirunelveli to frame the issue with reference to the Court fee and subsequently, to try the case as the Court has jurisdiction of preliminary issue and thereafter, proceed with the trial with reference to other issues.

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

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

msa

To

The Principal District Munsif,
Tirunelveli

+1 CC to M/s.R.MANIMARAN, Advocate (SR-91718[F] dated 14/10/2019)

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