

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD).No.4561 of 2013

and

M.P.No.1 of 2013

Soundari

... Petitioner/Defendant

Versus

M.Sridevi

... Respondent/Plaintiff

PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the order and decretal order, dated 15.11.2012, passed in I.A.No.48 of 2012 in O.S.No.538 of 2011, by the learned Additional District Munsif, Alandur by allowing I.A.No.48 of 2012 in O.S.No.538 of 2011, on the file of the learned Additional District Munsif, Alandur.

For Petitioner : Mr.Dr.C.Ravichandran

For Respondent : Mr.S.Jaganathan
Government Advocate (CS)

ORDER

This Civil Revision Petition has been filed against the order passed by the learned Additional District Munsif, Alandur, in I.A.No.48 of 2012 in O.S.No.538 of 2011, dated 15.11.2012.

2 The respondent herein filed a suit in O.S.No.538 of 2011,

before the Court of District Munsif, for recover of possession of the schedule property. During the pendency of the suit, the revision petitioner/defendant has filed an application in I.A.No.48 of 2012, before the learned Additional District Munsif, challenging the Court fee and also pecuniary jurisdiction of the Court to try the suit and the same was dismissed. As against the same, revision petitioner/defendant has preferred this Civil Revision Petition.

3 In the counter, the respondent/plaintiff has resisted suit plea on the ground that only 150 sq.ft out of 1608 sq.ft., is the subject matter of the case and the suit has been valued as per Section 30 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.

4 During the enquiry in I.A.No.48 of 2012, Exs.R1 to R4 were marked on the side of the respondent/plaintiff. On the side of the revision petitioner/defendant no documentary evidence has been marked.

5 It is seen from the records that Ex.R1 is the certified copy of the sale deed dated 10.11.1993, executed by J.Ismail in favour of M.Manickam, while the suit is only in the year 2011 and this Court finds that since the suit is for recovery of possession which means the reasoning assigned by the District Munsif appears to be erroneous. It is also seen from the records that the Court notice was served on the sole respondent/plaintiff.

As the matter relating to the Court Fee, Mr.C.S.Jagathanan Government Advocate take notice .

6 Mr.S.Jaganathan, learned Government Advocate appearing for the State would contend that per square feet it is Rs.1,006/- and accordingly, this Court finds that there is an error in valuation committed by the Trial Court. Accordingly, the order passed in I.A.No.48 of 2012 by the learned Additional District Munsif, is hereby set aside and if the calculation is made at the consideration of the Court Fee, value of the site is at Rs.1,50,900/-, it is to be go before the Sub Court.

7 In the result, the Civil Revision Petition is allowed and the order passed in I.A.No.48 of 2012, dated 15.11.2012 is set aside and the respondent/plaintiff is directed to pay the Court Fee as calculated above at the above mentioned date and the suit shall stand transferred to appropriate Sub Court viz., Sub Court, Tambaram, after payment of the deficit Court Fee.

8 With the above direction, the Civil Revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2020

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Speaking Order:Yes/No

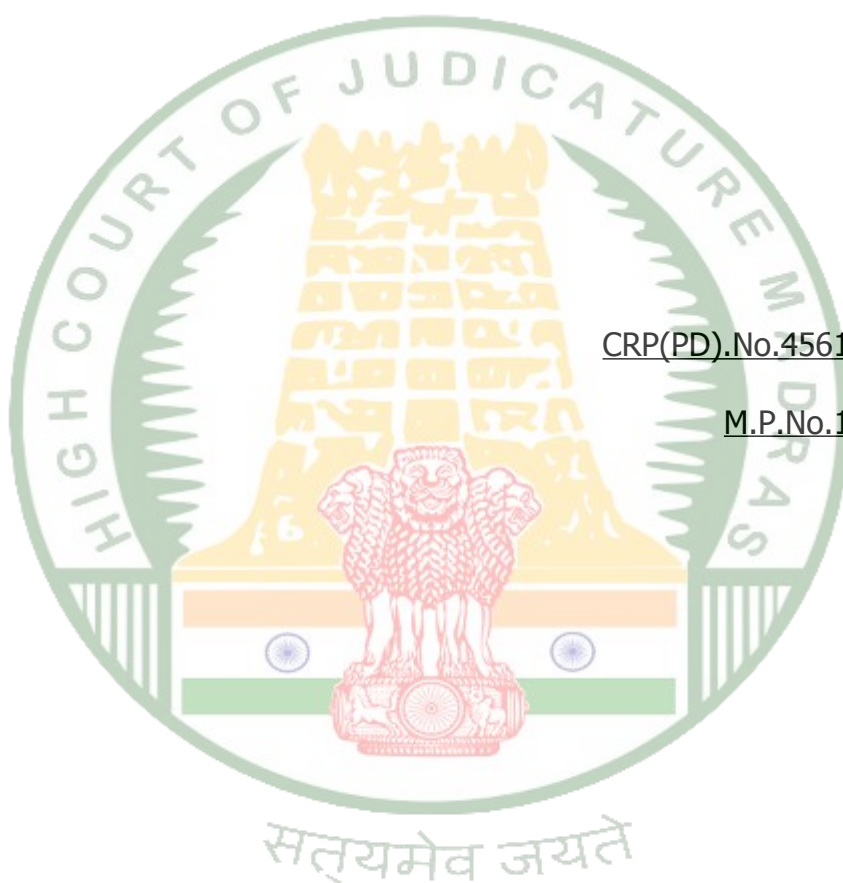
CRP(PD).No.4561 of 2013

RMT.TEEKAA RAMAN., J.

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To

The Additional District Munsif, Alandur



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and
M.P.No.1 of 2013

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