

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.No.347 of 2018
C.M.P.No.8634 of 2018

1. Shobha Cloth Centre

Rep.by its Partner,

Sowkath Ali

No.752, Andavar Complex,

Cross Cut Road, Gandhipuram,

Coimbatore-641 012.

2.Sowkath Ali

..Appellants/Defendants

Vs.

M/s.Kothari Saree Sadan

Rep.by its partner

Mr.Prasannakumar

No.859, Raja Street,

Coimbatore.

..Respondent/Plaintiff

Prayer : First Appeal filed against the Judgment & Decree dated 05.09.2017 passed in O.S.No.431 of 2015 on the file of the Principal Sub-ordinate Court, Coimbatore.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.K.S.Karthik Rajan

ORDER

The learned counsel appearing on behalf of the respondent raised an objection regarding the maintainability of the appeal suit on the ground that with reference to Section 13 and 11A of the Tamil Nadu Civil Courts Act, the first appeal is to be filed before the District Court and therefore, the present appeal suit cannot be entertained at all. Section 13 of the Act deals with Appeals from decree of District Courts and sub-clause 2 enumerates that " on or after the 1st day of December 1995 except when the amount or value of the subject-matter of the suit exceeds rupees three lakhs in which case the appeal shall lie to the High Court. "

2. A verification of the plaint reveals that the value of the appeal suit is below three lakhs and it is wrongly entertained by the Registry as the pecuniary jurisdiction vested with the District Court, Coimbatore. Thus, the Registry is directed to transfer the appeal before appropriate Court enabling the parties to adjudicate the same.

3. With the above direction, the appeal suit stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb
To

1. The Principal Sub-ordinate Judge, Coimbatore.

2. The Section officer
VR Section
High Court, Madras 104.

+1 Cc to Mr.M.Muthappan, Advocate sr 18409.

+1 Cc to Mr.K.S.Karthik Raja, Advocate sr 17597.

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NRL (CO)
SP (20/07/2020)

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