



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRP (MD)No.417 of 2020 and
CMP (MD)No.2463 of 2020

The Srivilliputhur Lions School Committee,
Srivilliputhur,
through its Secretary and Correspondent
N.G.G.O.Colony
Srivilliputhur Town

... Petitioner/Petitioner/
1st Defendant

Vs.

Dr.A.Chidambaranathan

... Respondent/Respondent/
Plaintiff

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 02-01-2020 passed in I.A.No.141 of 2019 in O.S.No.135 of 2011 on the file of the Learned Additional District Sessions Court, Srivilliputhur.

For Petitioner : Mr.M.P.Senthil

ORDER

This petition is filed to set aside the order dated 02.01.2020 passed in I.A.No.141 of 2019 in O.S.No.135 of 2011 by the learned Additional District and Sessions Court, Srivilliputhur.

2.The respondent herein/plaintiff has filed a suit for declaration and permanent injunction under Section 92 CPC in O.S.No.135 of 2011 on the file of the Additional District and Sessions Court, Srivilliputhur, wherein, the petitioner herein is the first defendant. He filed a petition under Order 7 Rule 10 to return the plaint and to represent the same before the concerned jurisdictional Court. The said petition was dismissed by the trial Court. Challenging the order passed by the Additional District and Sessions Court, Srivilliputhur, the petitioner therein/first defendant in the suit filed this Civil Revision Petition.

3.Heard the learned counsel on either side.



4.The learned counsel for the petitioner would submit that for the purpose of payment of lesser Court fee, the respondent herein/plaintiff valued the suit only to the tune of Rs.10,000/- which is far below the pecuniary jurisdiction of the District Court. Therefore, the suit ought to have been preferred before the District Munsif Court. The trial Court failed to consider the pecuniary jurisdiction as well as the value of the suit and also the payment of Court fee and erroneously dismissed the application, which warrants interference of this Court.

5.A careful perusal of the records would show that the petitioner is a registered society. Therefore, the suit is filed under Section 92 CPC in the year 2011 itself. The petitioner herein/first defendant has not taken his defence soon after serving the summons to him and before filing written statement, he has also filed an application in I.A.No.453 of 2012 regarding maintainability of the suit. The said petition was dismissed and the same was challenged before this Court. This Court passed orders against the petitioner/first defendant and he has not taken any steps to challenge the said order. Now, after eight years, he filed the present petition on the very same ground.

6.Originally, the suit was pending before the Principal District Court, Srivilliputhur and subsequently, after establishment of the Additional District Court, it was made over to the Additional District Court and now it is pending before the said Court. The suit has been filed in the year 2011. Now, after made over the case to the Additional District and Sessions Court, Srivilliputhur, the petitioner filed another application to return the plaint. The petitioner has already filed a petition before the Principal District Judge regarding maintainability of the suit and the same was already dismissed. At this stage, the present petition is filed regarding pecuniary jurisdiction of the Court and the same is not maintainable. The District Judge, elaborately discussed the issue and dismissed the petition. On reading of the entire records and also perusal of the order of the trial Court, this Court does not find any perversity in the order and there is no reason to interfere with the order of the trial Court. Therefore, this Civil Revision Petition is liable to be dismissed and accordingly, it is dismissed. No costs. Consequently, CMP(MD)No.2463 of 2020 is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

The Additional District Sessions Judge,
Srivilliputhur.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-10573[F] dated 09/03/2020)

MJ

TE : 18/03/2020 : 3P/3C

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