

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**CRP (PD).No.2766 of 2018
and
CMP.No.16210 of 2018**

M/s.Sun Global Logistics Private Limited,
Flat No.6, “Neelkamal”, Old No.23,
New No.18, Temple Street, Kilpauk,
Chennai – 600 010. ... Petitioner

Vs.

1. Ukkala Rajesh
2. Ukkala Rubesh
3. A to Z Industrial Networks Limited,
No.6, Haddows Road 1st Street,
Chennai – 600 006.
4. T.V.S.Finance and Services Limited,
represented by its Manager,
No.24, “Jayalakshmi Estate”,
Haddows Road 1st Street,
Chennai – 600 006. ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 14.03.2018 in I.A.No.1116 of 2017 in O.S.No.186 of 2008 passed by the learned Subordinate Judge, Kanchipuram.

For Petitioner : Mr.N.Ramiah

For Respondents : Mr.P.B.Ramanujam (for R-1 & R-2)
: Not Ready in Notice
(No Appearance) for R-3
: Notice Served (No Appearance)
for R-4

ORDER

This Civil Revision Petition is filed as against the fair and decretal order passed in I.A.No.1116 of 2017 in O.S.No.186 of 2008 dated 14.03.2018 on the file of the learned Subordinate Judge, Kanchipuram, thereby dismissing the petition seeking rejection of plaint.

2. The petitioner is the first defendant and the respondents 1 and 2 are the plaintiffs. The respondents 1 and 2 filed a suit for declaration and permanent injunction in respect of the suit properties. While pending the suit, the petitioner herein filed a petition for rejection of plaint on two grounds (i) The suit is barred by limitation. (ii) The suit property is not properly valued and as such, the Court below has no pecuniary jurisdiction to try the suit.

3. On a perusal of the order passed by the Court below, it reveals that the petition was dismissed for the reason that the rejection of plaint will arise only when there is a finding by the Court about the under valuation of the plaint and direction was given to the plaintiff to pay the deficit Court fee and that direction was disobeyed by not paying the Court fee. In the case on hand, no such finding was given by the Court below regarding the under valuation. Therefore, the learned counsel for the petitioner submitted that the observations made by the Court below in the impugned order may not be looked into while deciding the other issues.

4. In view of the above submission, this Court finds no merits in this petition. However, the Court below is directed to decide the issues on merits and in accordance with law without influenced by the observations made in the impugned order. Consequently, the connected Miscellaneous Petition is closed. No costs.

Speaking/Non-speaking order

Index : Yes/No

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G.K.ILANTHIRAIYAN,J.

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To

1. The Subordinate Judge, Kanchipuram.
2. The Section Officer,
V.R. Section, High Court of Madras.



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