

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 17.09.2021

Coram::

THE HONOURABLE Mr.JUSTICE G.CHANDRASEKHARAN

C.R.P(PD).No.1942 of 2021
& C.M.P.No.15045 of 2021

G.Jayashree

... Petitioner

/versus/

1. Mr.Vinayagam,
2. Mr.S.Sakthivel,
3. K.Mohan,
4. The Sub-Registrar,
Thiruporur SRO,
Chengalpet District.

5. The District Registrar,
Chengalpet District,
No.10, Kancheepuram High Road,
Chengalpet Bazaar,
Chengalpet – 603 002.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed by the Learned District Munsif, Chengalpattu in O.S.SR.No.2462 of 2021 dated 12.07.2021.

For Petitioner

: Mr.K.M.Ramesh

ORDER

This Petition is filed to set aside the order passed by the Learned District Munsif, Chengalpattu, in O.S.SR.No.2462 of 2021 dated 12.07.2021.

2. The Learned Counsel for the petitioner submitted that, the suit was rejected for non correction of valuation under Order VII Rule 11(b) of Civil Procedure Code. This suit was filed by the petitioner for,

(i). Declaration that sale deed No.1424 of 2018, dated 08.02.2018 registered at Thiruporur Sub-Registrar Office, as null and void, not valid in law, not acted upon and not binding on the plaintiff.

(ii). To decree the sale agreement No.5969 of 2018 dated 22.06.2018, registered at Thiruporur Sub-Registrar Office, as null and void, not valid in law, not acted upon and not binding on the plaintiff.

(iii). To grant permanent injunction restraining the 3rd defendant or their agents, servants, executors, administrators, assignees, etc., from alienating, leasing or encumbering the suit property to any third party in any manner whatsoever.

(iv). To restrain the defendants 1 to 3 from interfering in any manner

with the plaintiff's peaceful possession of the suit property.

(v). To direct the defendants 1 to 3 to pay costs of the suit to be plaintiff; and to grant such other relief or reliefs.

3. A direction was given to the plaintiff to value the suit under Section 40 of the Tamil Nadu Court Fees and Suit Valuation Act and the matter was ordered to be called on 12th July 2021. This order was passed on 05.07.2021, without giving sufficient time for the petitioner to make necessary corrections in the plaint and for payment of Court Fees. Only one week was given and that was not sufficient to comply with the direction. Therefore, the Learned Counsel for the petitioner prays this Court to extend the time for correction of plaint regarding valuation and payment of Court Fees.

4. Another submission made by the Learned Counsel for the petitioner is that the order reads the petitioner/plaintiff admits the receipt of part consideration of sale price. There is no such admission made in the plaint with regard to receipt of part consideration of sale price. 1st defendant had taken advantage of the power executed in his favour and collected huge sums, but the 1st defendant has not paid any amount in this regard. Therefore, this particular

observation is against the case of the petitioner.

5. Considered the rival submissions of the Learned Counsel for the petitioner and records perused.

6. Reading of the plaint averment shows that, there is no specific admission in the plaint as to the receipt of part consideration of sale price. As rightly pointed by the Learned Counsel for the petitioner that, the case of the petitioner is that, the 1st defendant had cheated and sold the property using the power of attorney deed executed in his favour and did not pay any money to the petitioner. Therefore, the observation that petitioner received part consideration is contrary to the contention made in the plaint. Accordingly, this particular observation is expunged. Further, the Learned Counsel for the petitioner submitted that, the petitioner wants sufficient time for correction with regard to valuation and payment of Court fees.

7. Considering this request, the petitioner is granted six weeks time, from the date of receipt of copy of this order, for making necessary corrections, in the plaint with regard to valuation and Court Fees and represent the plaint. On

such representation, the Learned District Munsif Judge, shall take the case on file, if it is in order and proceed with the matter.

8. Accordingly, the *Civil Revision Petition is disposed of*. No costs.

Consequently, connected Miscellaneous Petition is closed.

17.09.2021

Index :Yes/No

Speaking order/Non-speaking order.

bsm

To:-

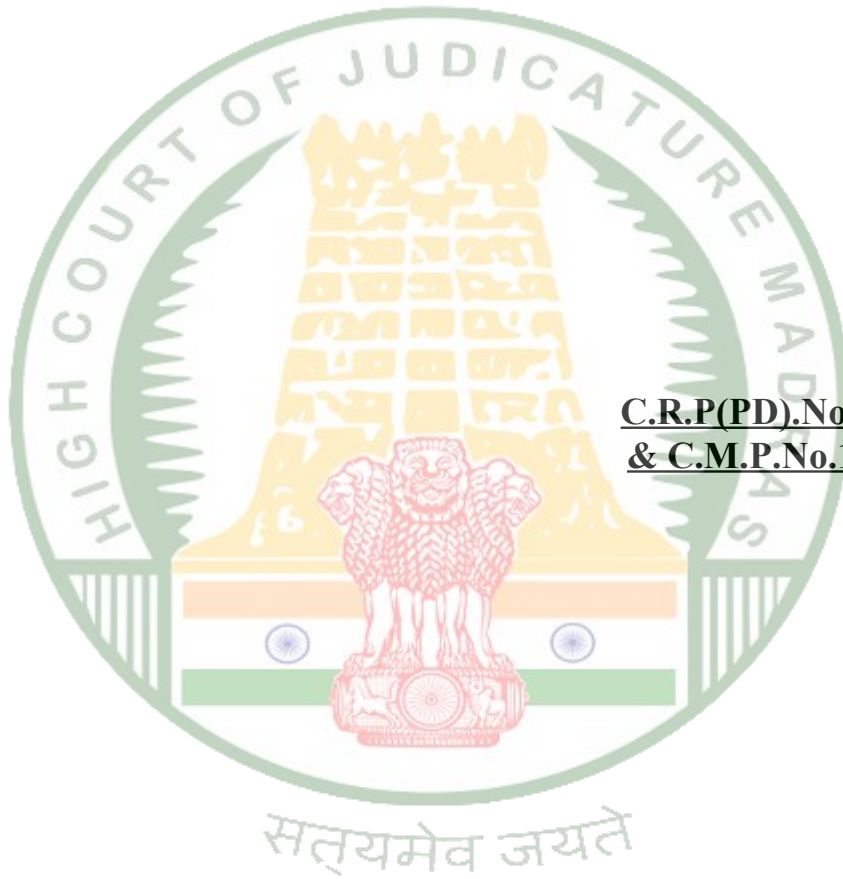
1. *The District Munsif, Chengalpattu.*
2. *The Sub-Registrar, Thiruporur SRO, Chengalpet District.*
3. *The District Registrar, Chengalpet District,
No.10, Kancheepuram High Road,
Chengalpet Bazaar, Chengalpet – 603 002.*
4. *The Section Officer, V.R.Section, High Court, Madras.*

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G.CHANDRASEKHARAN,J.

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