



C.R.P(PD)No.2763 of 2021
and CMP.No.20141 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)No.2763 of 2021

and

CMP.No.20141 of 2021

Pandiyan

..Petitioner

Vs.

Rajendiran

..Respondent

Prayer: Civil Revision Petition filed Article 227 of the Constitution of India, against the fair and final order dated 06.08.2021 in IA.No.155 of 2021 in OS.No.101 of 2020 on the file of the II-Additional District Munsif's Court, Kallakurichi.

For Petitioner : Mr.S.Kaithamalai Kumaran

ORDER

This revision is against an order, dismissing an application in IA.No.155 of 2021 filed by the defendant in OS.No.101 of 2020 seeking rejection of the plaint under Order VII Rule 11(b) of CPC.



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2.The claim of the petitioner is that the suit itself has not been properly valued. No doubt, Order VII Rule 11 (b) and (c) deal with rejection of plaint for improper valuation. As per clause 'b' and 'c', the Court has to render a finding that the valuation is improper and give liberty to the plaintiff to make correct valuation and pay proper Court fee or the Court has to find that the Court fee paid is insufficient and grant time to the plaintiff to make out the deficit Court fee. If the plaintiff fails to comply with the directions of the Court, the plaint can be rejected. The application at the threshold seeking rejection under Clause 'b' and 'c' is not contemplated.

3.Hence, this revision fails, and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed. It is made clear that the Court will decide on the question of valuation independent of the observations made in the order impugned in the revision or in this order as a preliminary issue and proceed further.

20.12.2021

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Index:No
Internet:Yes
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To:-

The II-Additional District Munsif Court,
Kallakurichi.



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R.SUBRAMANIAN, J.

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