



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (NPD) (MD) No.722 of 2012

WEB COPY

1.P.Muthu (Died) ... Petitioner/Appellant/Plaintiff
2.Jamuna
3.Hariharan
4.Ananthi
5.Anitha ... Petitioners

[Petitioners 2 to 5 are brought on record as LR's of deceased sole petitioner vide order dated 21.09.2020 made in CMP(MD) Nos.7884 & 7889/2019 in CRP(MD) No.722 of 2012]

-vs-

1.Chandrasekaran
2.Ramamoorthy
3.Kumaran
4.Sirajudeen ... Respondents/Respondents/Defendant

Prayer :- Petition filed under Section 115 of Civil Procedure Code against the order and decree dated 18.10.2011 made in C.M.A.No.6 of 2010 on the file of Subordinate Judge, Ramanathapuram confirming the order and decree dated 20.04.2007 made in O.S.No.325 of 2004 on the file of the District Munsif Court, Ramanathapuram.

For Petitioners-2 to 5 : Mr.H.Thayumanaswamy
For Respondent-4 : Mr.J.M.Hassanul Bazari

ORDER

The plaintiff in the suit in O.S.No.325 of 2004 is the revision petitioner before this Court challenging the judgment dated 20.04.2007, passed by the District Munsif, Ramanathapuram, in returning the plaint under Order 7 Rule 10(A) of the Code of Civil Procedure for presentation before the jurisdictional court after paying the requisite court fee and valuing the suit properly. This order was taken up on appeal by the plaintiff in C.M.A.No.6 of 2010. The learned Subordinate Judge, Ramanathapuram confirmed the fair order and decretal order of the trial court against which, the present revision is filed.

2.Pending revision, the sole petitioner died and his Legal Representatives have been brought on record.



3. Heard the learned counsel for the petitioners and the learned counsel for the 4th respondent and perused the records.

4. Both the Courts below have held that P.W.1 during the cross examination had admitted that the value of the suit was a sum of Rs.1,500/- per sq.ft. and on the date of his oral evidence, the same was a sum of Rs.2,500/- per sq.ft. The total extent of the property is 800 sq.ft. Therefore, as per the plaintiff's admission, the market value of the suit was a sum of Rs.12,00,000/-, which meant that the District Munsif, Ramanathapuram did not have the pecuniary jurisdiction to try the said suit. Therefore, the District Munsif had exercised the power conferred on him under the provisions of Order 7 Rule 10(A) to return the plaint. Both the courts below have held that the District Munsif Court, Ramanathapuram did not have the jurisdiction to hear the suit in O.S.No.325 of 2005.

5. I do not find any reason to interfere with the concurrent judgment and order of the courts below. The Civil Revision Petition is, therefore, dismissed granting a months time from the date of receipt of a copy of this order to the plaintiffs to present the plaint before the court having pecuniary jurisdiction. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

abr

Note:- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The District Munsif, Ramanathapuram.
2. The Subordinate Judge, Ramanathapuram.

C.R.P. (NPD) (MD) No.722 of 2012

Dated: 25.11.2021