



CRP(PD)No.110 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP(PD)No.110 of 2022

and

CMP.No.611 of 2022

1.Usha Rani
2.Manivannan

... Petitioners

Vs

Devarasu

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in the I.A.No.176 of 2021 in O.S.No.316 of 2015 dated 16.09.2021, on the file of the Court of Additional District Munsif, Chidambaram.

For Petitioners : Mr.A.Muthukumar

ORDER

The petitioner challenges the order made in I.A.No.176 of 2021 in and by which the trial Court had allowed an application for amendment of



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the plaint to include the relief of declaration. The only grievance of Mr.Muthukumar, learned counsel appearing for the petitioners is that when the plaintiff himself has purchased the property for Rs.1,20,000/- in 2013, valuation of the relief of declaration at Rs.6,000/- is incorrect. Therefore, according to the learned counsel, the trial Court was not justified in allowing the application for amendment. I do not think the question of valuation could be gone into in an application under Order 6 Rule 17 of CPC. If the Court has allowed the application for amendment and if the defendant feels that the suit property has been under valued, it is open to the defendant to raise a pleading regarding under valuation in the additional written statement and that the Court will thereupon decide on the valuation.

2.Mr.A.Muthukumar would however point out that the trial Court had even in while deciding the application for amendment concluded that the valuation made based on the guideline valuation is just and proper. I do not think that the said observation of the trial Court could be sustained. While sustaining the order of the trial Court to the extent of allowing the amendment, the other observations of the trial Court regarding the correctness of valuation are set aside solely on the ground that the trial



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Court ought not to have gone into the question of valuation while deciding the application for amendment.

3.It will be open to the defendant to raise the issue relating to valuation under Section 12 of the Court Fees Act while filing the additional written statement and if the defendant raises such an issue, the trial Court will decide the question without being influenced by any of the observations made in the order allowing the amendment. This Civil Revision Petition is dismissed with the above observations. The petitioners/defendants will have a right to file additional written statement. No costs. Consequently, connected miscellaneous petition is closed.

25.01.2022

vs

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Speaking order

To:

1.The Additional District Munsif,
Chidambaram.

2.The Section Officer,
VR Section,
Madras High Court, Chennai.

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R.SUBRAMANIAN, J.

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