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C.R.P(PD)No.781 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.781 of 2022
and C.M.P.No.3914 of 2022

K.S.Venkatesh
S/o.Sonnepailappa

... Petitioner

Vs.

1.A.Ganesh
S/o.Aswath reddy

2.A.Chandramohan
S/o.Aswath reddy

3.Anusuyamma
W/o. Aswath reddy

4.T.AswathReddy
S/o.Thimma Reddy

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 24.06.2019 passed in I.A.No.317 of 2016 in O.S.No.113 of 2014 on the file of the District Munsif cum Judicial Magistrate No.1, Hosur.

For Petitioner : Mr.R.Ezhilarasan



ORDER

The plaintiff is the revision petitioner herein. He had laid a suit for declaration of a title over an agricultural piece of land and for allied relief of injunction. In the suit, one of the defendants has filed I.A.No.317 of 2016, requiring the trial Court to decide on the suit valuation and pecuniary jurisdiction as a preliminary issue, this came to be allowed on 24.06.2019. This is now challenged by the petitioner / plaintiff before this Court.

2.Learned counsel for the revision petitioner explained how the suit valuation is correctly made. The point here is, nowhere in the impugned order it is indicated that the Court has applied its mind on the specifics of suit valuation or its own pecuniary jurisdiction. Indeed, the effect of the order is that the trial Court has decided to take up the issue of suit valuation and its pecuniary jurisdiction as a preliminary issue.

3.Therefore, this Court considers the present revision is premature and the revision petitioner ought to advance the arguments before the trial Court that his counsel has now presented before this Court Since the suit is of the year 2015, the trial Court is now required to frame a preliminary issue on the suit



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valuation after hearing both sides and decide the same within a period of one month from the date of communication of this order.

4. With the above direction, this Civil Revision Petition stands disposed of at the admission stage itself. Consequently, the connected C.M.P.No.3914 of 2022 is closed. No costs.

17.03.2022

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking

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Note:Office to issue order copy on 21.03.2022

To

The District Munsif cum Judicial Magistrate No.1
Hosur

N.SESHASAYEE, J.,



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