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CRP.(PD)No.1349/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P.(PD)No.1349 of 2022

M/s.MEGATECH CONTROL PVT LTD.,
Represented by its Senior Manager,
T.Ganesh

... Petitioner

Vs.

1.S.Sankar
S/o.S.V.Sivaprakasam

2.B.Mohandas
S/o.S.R.Bhoopathi Naicker

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order returning the plaint dated 17.03.2022 in Un-numbered O.S.No. of 2022 in S.R.No.388 of 2022 on the file of the District Munsif Court at Alandur and consequently direct the Court below to number the plaint filed in Un-numbered O.S.No. of 2022 in S.R.No.388 of 2022 on the file of District Munsif Court at Alandur.



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For Petitioner : Mr.M.Thangadurai

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ORDER

The plaintiff has laid a Suit for a decree directing the defendant to execute certain rectification deed. He valued the Suit under Section 25 (d) of the Tamil Nadu Court fees and Suit valuation Act. The plaint however has been returned and the learned trial Judge has passed an order before taking the Suit onto its file on the ground that the Suit may not be within the pecuniary jurisdiction of the Court.

2.Heard, Mr.M.Thangadurai, the learned counsel for the revision petitioner. This Court perused the order.

3.The order of the learned trial Judge does not appear to be a speaking order. As already outlined, the plaintiff had valued the Suit under Section 25 (d) of the Tamil Nadu Court fees and Suit valuation Act, but the learned trial Judge has merely stated that the Suit will not fall under its pecuniary jurisdiction, and does not indicate what would be the right valuation of the Suit. If



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valuation as has been now done by the plaintiff is considered, then the Suit will fall within the pecuniary jurisdiction of the trial Court. Indeed to alleviate such difficulties, this Court has indicated specifically that in all cases, where this Court chooses to reject the plaint for its perceived non compliance of certain defects, it ought to post the matter before the Bench. The trial Court is well advised to go through Paragraph 30 in ***Selvaraj V. Koodankulam Nuclear Power Plant India Limited reported in (2021) 4 CTC 539: (2021) 5 Mad LJ 467: (2021) 3 MWN (Civil) 73 .***

4.To conclude, this Court sets aside the order of return made by the trial Court. The revision petitioner / plaintiff is now required to represent the plaint. The learned trial Judge is now required to post the matter before the Court and offer the plaintiff an opportunity of being heard in the matter and is also directed to dispose of his doubt as to the maintainability of the Suit by a speaking order.

N.SESHASAYEE, J.,



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5. With the above direction, this Civil Revision Petition is disposed of at the admission stage itself. No costs.

25.04.2022

kas/dk

Note: The Registry is directed to return the original plaint to the counsel for the revision petitioner.

2. Issue order copy on 02.05.2022

Index: Yes / No

Internet : Yes / No

Speaking / Non Speaking order

To

The District Munsif Court
Alandur.

C.R.P.(PD)No.1349 of 2022