



CRP.No.2857 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2857 of 2022

Sundararajan

... Petitioner

Vs.

- 1.Rajalakshmi
- 2.Govindarajan
- 3.Balaji
- 4.Rajkumar

5.The Tahsildhar
Avadi Taluk Office
Avadi, Chennai 600 054.

6.The District Collector
Thiruvallur District Collector Office
Thiruvallur.

7.The Sub Registrar
Avadi Sub Registrar Office
Avadi, Chennai 600 054.

... Respondents



CRP.No.2857 of 2022

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Registry of Subordinate Court, Poonamalle to number the OS.SR.No.4337 of 2022 on the file of the Subordinate Court, Poonamallee and pass necessary orders suitable to the circumstances of this case.

For Petitioner : Mr.A.Manikandan

For Respondents : Dr.S.Suriya for R5 to R7
Additional Government Pleader

ORDER

This Revision has been filed to direct the Registry of Subordinate Court, Poonamalle to number the OS.SR.No.4337 of 2022 on the file of the Subordinate Court, Poonamallee and pass necessary orders suitable to the circumstances of this case.

2. The revision petitioner, who is the plaintiff in unnumbered suit, has come up with this revision seeking a direction to the Court below to number the plaint in OS.SR.No.4337 of 2022.



CRP.No.2857 of 2022

3. The revision petitioner herein filed a suit for partition claiming 1/5th share against the respondents, who are the siblings. The value of 1/5 share is at Rs.5,66,800/- and he paid Court fee at Rs.5,000/- under Section 37 (2) of the Tamil Nadu Suit Valuation and Court Fee Act. The Court below returned the plaint by stating that the value of the suit exceeds the pecuniary jurisdiction and hence, the suit had to be presented before the Court having pecuniary jurisdiction. The revision petitioner re-presented the plaint by making an endorsement that the plaintiff's claim of 1/5 share and the same has a value of Rs.5,66,800/- which is coming within the pecuniary limits of the Sub Court. The plaint was returned by the Court below by stating that the previous return to be complied.

4. On perusal of the plaint, in the valuation column, the total market value of the suit property is given as Rs.28,34,000/-. The value of his 1/5th share is mentioned as Rs.5,66,800/-. The plaintiff is required to pay the Court fee only on the value of his share. Therefore, the value of



CRP.No.2857 of 2022

the suit is coming within the pecuniary limits of the Sub Court.

Therefore, there cannot be any impediment for the Sub Court to number the plaint, as the suit is coming within pecuniary limits of Court below.

Hence, this Court is inclined to issue a direction to the Subordinate Court, Poonamallee, to number the plaint presented by the petitioner in OS.SR.No.4337 of 2022, if it is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order.

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

13.09.2022

Index : Yes / No
Internet : Yes / No
dna



CRP.No.2857 of 2022

WEB COPY

To

1. The Subordinate Court, Poonamallee.
2. The Tahsildhar
Avadi Taluk Office
Avadi, Chennai 600 054.
3. The District Collector
Thiruvallur District Collector Office
Thiruvallur.
4. The Sub Registrar
Avadi Sub Registrar Office
Avadi, Chennai 600 054.



WEB COPY



CRP.No.2857 of 2022

S.SOUNTHAR , J.

dna

CRP.No.2857 of 2022

13.09.2022



WEB COPY



CRP.No.2857 of 2022