



CRP.No.3502 of 2022

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S.SOUNTHAR,J.

This matter is posted today before this Court under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner in respect of the order passed on 04.11.2022.

2. The learned counsel for the petitioner submits that he had filed original of the plaint in OS.SR.No.f1746 of 2022 on the file of the Principal District Munsif, Kanchipuram, along with return papers dated 28.10.2022 before this Court. In view of the order passed in this revision, the original of the plaint EB to be returned to the petitioner.

3. The Registry is directed to return the original of the plaint in OS.SR.No.f1746 of 2022 to the learned counsel for the petitioner.



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S.SOUNTHAR,J.,
dna

4. It is made clear that in all other respects, the order dated 04.11.2022,
shall remain unaltered.

09.12.2022

dna

Note: Issue order today (09.12.2022)

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3502 of 2022

P.Ekambaram

... Petitioner

Vs.

V.Kalaiselvi

... Respondent

PRAYER: Civil Revision Petition under Article 227 of the Constitution of India, to set aside the Return order dated 04.07.2022 passed by the Principal District Munsif, Kanchipuram, in unnumbered in O.S.S.R.No.f1746 of 2022 in CNR.No.TNKP0800015 of 2022 and to direct the Principal District Munsif, Kanchipuram to number the said Original Suit.

For Petitioner : Mr.R.Anbalagan

For Respondent : No Appearance

ORDER

This Civil Revision Petition has been filed challenging the order of return passed by the Court below refusing to number the plaint on the ground that the petitioner/plaintiff failed to value the plaint based on the value mentioned in the



settlement deed sought to be set aside in part in the suit.

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2. The petitioner/plaintiff filed a suit for cancellation of the settlement deed executed by his father dated 13.08.2007 partially with respect to 45 cents situated in S.No.432/6. The father of the petitioner executed the said settlement deed in respect of three items of properties situated in S.Nos.405/5, 432/6, 435/1 with total extent of 1.00 acre 17 cents. The total value of the said property is mentioned as Rs.81,900/- in the document. In the present suit, the petitioner/plaintiff wants to set aside the settlement deed only in respect of a portion of the property covered under the settlement deed namely 45 cents in S.No.432/6.

3. While valuing his claim the petitioner valued the suit claim based on the market value of the suit property. A perusal of the plaint valuation column would suggest the guideline value for 1 cent on the date of plaint was Rs.700/-. Therefore for 45 cents they valued the suit claim at Rs.31,500/-. As per the explanation to Section 7 of the Tamil Nadu Court Fees and Suit Valuation Act, guideline value maintained by Registration department under Section 47 (AA) of the Indian Stamps Act is deemed to be the market value unless the contrary is proved.



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4. Though the plaintiff/petitioner is entitled to value the suit claim based on the value mentioned in the document under Section 40(1) of the Tamil Nadu Court Fees and Suit Valuation Act, the petitioner in present case valued the suit claim based on the market value and paid the Court fees. The value for 1 acre 17 cents was mentioned as Rs.81,900/- in the document. If that be so, the value for 45 cents would be Rs.31,500/-. Therefore viewed from any angle the value mentioned by the petitioner in the valuation column of the plaint is correct. Therefore, the return made by the Court below as if the valuation made by the petitioner/plaintiff is not correct is liable to be set aside. This Court is inclined to issue a direction to the Court below to number the O.S.SR.No.1746 of 2022 on the file of the Principal District Munsif, Kanchipuram and proceed with the suit in accordance with law. Accordingly, this Civil Revision Petition is disposed of with above direction. No costs.

04.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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S.SOUNTHAR, J.

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To

1. The Principal District Munsif Court,
Kancheepuram.

C.R.P.No. 3502 of 2022

04.11.2022

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