



CRP (PD) No. 2983 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No. 2983 of 2021

and

CMP No. 21292 of 2021

G.Senthamaraikannan

... Plaintiff/Petitioner

Vs

1. Mr.C.Manavalan

2. M.Suresh

... Defendants/Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Judgment and Decree dated 04.09.2021 in O.S.No. 106 of 2018 passed by the learned Additional District Munsif Judge, Thiruvallur.

For Petitioner : Mr. I. Jenkins William

ORDER



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Challenge in this Civil Revision is to the order of the learned Additional District Munsif concluding that the suit is not properly valued, directing the plaintiff to value the suit under Section 30 of the Tamilnadu Court Fees and Suits Valuation Act and to pay the deficit Court fee.

2. The plaintiff has filed a suit for Mandatory injunction directing the defendants to quit and deliver vacant possession of the property to the plaintiff and valuing the suit under Section 27(c) of the Suit Tamil Nadu Court Fees and Suits Valuation Act, 1955 and paid the Court fee of Rs.150/-.

3. In the written statement, the defendants raised the question of valuation and the issue regarding valuation was framed by the Trial Court.

4. The learned Additional District Munsif concluded that the plaintiff who seeks the relief of delivery of possession should have valued the suit under Section 30 of the Court Fees Act. Upon such conclusion, the learned Additional District Munsif returned the plaint with a direction to the plaintiff to value the suit under Section 30 of the Court Fees Act and pay



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court fee on the market value of the property. It is this order which is challenged in this Revision.

5. Mr. I. Jenkins William, learned counsel appearing for the petitioner would vehemently contend that the learned District Munsif was not right in returning the plaint without hearing the counsel for the plaintiff. The order of the trial Court states that the plaintiff's counsel was heard.

6. Be that as it may, it is clear that the prayer in the suit is one for recovery of possession and the same has to be valued under Section 30 of the Court Fees Act. The plaintiff cannot by sheer manipulation value the suit under Section 27(c) of the Suit Tamil Nadu Court Fees and Suits Valuation Act, 1955 and seek recovery of possession of the property. Hence, this Civil Revision Petition fails and it is accordingly, dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

R.SUBRAMANIAN, J.



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7. Considering the fact that the time granted by the trial Court to make good the deficit Court fee has expired, the same is extended till 15th February 2022. The plaintiff shall correct the valuation and pay the required Court fee on or before the said date.

04.01.2022

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Index: Yes/No

Speaking order / Non speaking order

To:

1. Additional District Munsif Court
Thiruvallur.

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

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