



CRP.Nos.3287, 3297, 3290 & 3298 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.Nos.3287, 3290, 3297 & 3298 of 2022

and

CMP.Nos.17481, 17480, 17517 & 17519 of 2022

1.S.Usha
2.Kirthyka

... Petitioners in all CRPs.

Vs.

Prakash Chand Jain	... Respondent in CRP.No.3287/2022
Sailendra Kumar Jain	... Respondent in CRP.No.3290/2022
Niraj Kumar Jain	... Respondent in CRP.No.3297/2022
Padam Chand Jain	... Respondent in CRP.No.3298/2022

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 26.07.2022 passed in I.A.Nos.196/2016, 53/2018, 562/2017 and



CRP.Nos.3287, 3297, 3290 & 3298 of 2022

563/2017 in O.S.Nos.180, 179, 181 & 182 of 2014 on the file of the Additional District Judge, Kancheepuram District at Chengalpattu, by allowing these Civil Revision Petitions and to grant such other relief.

For Petitioners in
all CRPs.

: Mr.S.Subbiah
Senior Counsel
for Ms.Elizabeth Ravi

COMMON ORDER

These Civil Revision Petitions are filed, challenging the order passed by the Court below dismissing the petition filed by the petitioners/defendants 3 & 4 seeking rejection of the plaint on the ground of under valuation.

2. The respondents herein filed a suit for declaration, seeking recovery of possession and other reliefs in O.S.Nos.180, 179, 181 & 182 of 2014 on the file of the Additional District Judge, Kancheepuram District at Chengalpattu.



WEB COPY

3. The petitioners, who were arrayed as defendants 2 & 3 have filed application under Order VII Rule 11 (d) of CPC, seeking rejection of the plaint.

4. It was the case of the petitioners that the respondents had produced a fraudulent document as if the guideline value of the suit property was Rs.700/- per sq.ft and based on the same, valued the suit property. The petitioners herein by producing guideline value of the suit property downloaded from Internet contended before the Court below that the actual guideline value of the suit property was Rs.2,500/- sq.ft. Since the respondents manipulated the document by under valuation of the suit plaint, the same should be rejected as the respondents played fraud upon the Court.

5. The respondents filed a counter affidavit denying the allegations raised by the petitioners. It was specifically averred by the



respondents that the guidelines value of the suit property on the date of the suit was only Rs.700/- per sq.ft and therefore, there was no under valuation of the suit property by the respondents.

6. After considering the rival contentions of the parties, the trial Court came to the conclusion that whether the guideline value mentioned by the petitioners herein was created or not had to be decided only based on the evidence let in before the Court below and consequently, refused to entertain the petition for rejection of the plaint and dismissed the same. Aggrieved by the same, the revision petitioners have come up by way of these revisions.

7. Mr. S.Subbiah, the learned Senior Counsel appearing for the petitioners submitted that for the purpose of under valuation of the suit, the respondents produced the concocted document and made the Court to believe that the guideline value of the suit property was Rs.700/- per sq.ft on the date of the suit. As the respondents played fraud



upon the Court, the plaint is liable to be rejected under Order VII Rule 11(d) of CPC.

8. I am not able to accept the contentions raised by the learned Senior Counsel that as the suit is of the year 2014, prior to amendment of Tamil Nadu Suit Valuation and Court Fees Act, as per Section 7 of Tamil Nadu Suit Valuation and Court Fees Act, suit of this nature shall be valued based on the market value of the suit property at that time. As per law prior to amendment there was no deeming provision equating guidelines value to that of market value.

9. It is settled law, the guideline value cannot be equated to the market value. Therefore, the contention of the petitioners that on the date of filing of the suit, the market value of the suit property was Rs.2,500/- sq.ft and consequently, the suit should have been valued at Rs.2,500/- sq.ft. Further, while considering the petition for rejection of the plaint, the Court below is only concerned with the averments



contained in the plaint and the plaint document. This Court is not entitled to take into consideration the documents produced by the defendants at that time of considering the petition to reject the plaint. It is open to the revision petitioners herein to produce the document downloaded from the Internet content showing the guideline value at the relevant point of time as Rs.2,500/- sq.ft and hence, there is an under valuation by the respondents by filing appropriate application. The contention raised by the revision petitioners cannot be raised in the petition seeking rejection of the plaint. However, it is always open to the revision petitioners to file an appropriate application before the Court below requesting the Court to decide the question of under valuation as a preliminary issue.

10. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.



CRP.Nos.3287, 3297, 3290 & 3298 of 2022

WEB COPY

11. It is open to the revision petitioners to file written statement raising their objection as Court fee.

03.11.2022

Index : Yes / No
Internet : Yes / No
dna

To

The Additional District Judge, Kancheepuram District
at Chengalpattu.



WEB COPY



CRP.Nos.3287, 3297, 3290 & 3298 of 2022

S.SOUNTHAR, J.

Dna

CRP.Nos.3287, 3290, 3297 & 3298 of 2022
and
CMP.Nos.17481, 17480, 17517 &
17519 of 2022

03.11.2022



WEB COPY



CRP.Nos.3287, 3297, 3290 & 3298 of 2022



WEB COPY



CRP.Nos.3287, 3297, 3290 & 3298 of 2022