



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP (MD) .Nos. 1913 and 1914 of 2021

1. Mayilraj
2. M.Kavitha
3. Chokkalingam
4. M.Sorimuthu

.. petitioners/Petitioners/Defendants
in both CRPs

Vs.

S.P.V. Paulraj

.. Respondent/Respondent/Plaintiff
in both CRPs

Prayer in CRP(MD).No.1913 of 2021 : This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decreetal order dated 07.08.2021 passed in I.A.No.3 of 2021 in O.S.No.186 of 2021 Dated 07.08.2021 on the file of the Sub Court, Tenkasi.

Prayer in CRP(MD).No.1914 of 2021 : This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decreetal order dated 07.08.2021 passed in unnumbered I.A... of 2021 in I.A.No.3 of 2021 in O.S.No.186 of 2021 Dated 07.08.2021 on the file of the Sub Court, Tenkasi.

For Petitioner in both CRPs ... Mr. M. Selvam
For respondent in both CRPs ... No appearance

COMMON ORDER

Heard the learned counsel appearing for the petitioners and perused the materials on record. Even though the name of the respondent printed in the cause list, on one has appeared.

2. CRP(MD).No.1913 of 2021 is filed to set aside the order dated 07.08.2021 passed in I.A.No.3 of 2021 in O.S.No.186 of 2021 on the file of the Sub Court, Thenkasi.

3. CRP(MD).No.1914 of 2021 is filed to set aside the order, dated 07.08.2021 passed in unnumbered I.A... of 2021 in I.A.No.3 of 2021 in O.S.No.186 of 2021, on the file of the Sub Court, Thenkasi.



4. The Interim Application in I.A.No.3 of 2021 filed by the petitioners under Order 7 Rule 11 CPC to reject the plaint on the two grounds that the valuation of the property and Court fees paid by the plaintiff is not correct. As per the commission report, there is a building in the suit property, but, the plaintiff has assessed the value only for the vacant site. The second ground is non joinder of necessary party. The said application was dismissed on the ground that the petitioners have not filed any documents to show that the market value of the suit property is very high. Another ground is that the revision petitioners when raise these pleadings in their written statement, the Court can decide the matter after framing the preliminary issue on these two points and also if there is any deficit Court fee, the Court below can grant time to the plaintiff to rectify the same.

5. With regard to the CRP(MD).No.1914 of 2021 is concerned the petitioner can produce the documents to prove the value of the property and on such production, the Sub Court, Thenkasi is directed to number the un numbered I.A... of 2021 in I.A.No.3 of 2021 in O.S.No.186 of 2021 pending on its file.

6. Since in CRP(MD).No.1914 of 2021, the Court below is directed to number the un numbered Interlocutory Application, the prayer sought for in CRP(MD).No.1913 of 2021 cannot be granted and as such the said revision petition stands dismissed.

7. With the above observation, the Civil Revision Petition in CRP(MD).No.1914 of 2021 is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To
The Sub Judge,
Tenkasi.

+1 CC to M/s.M.SELVAM, Advocate (SR-10866[F] dated 09/03/2022)

CRP(MD) .Nos. 1913 and 1914 of 2021

09.03.2022

sj(CO)

GC(25.03.2022) 2P 3C

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