



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD) .Nos. 157 to 159 of 2018 and
CMP(MD) .No.717 of 2018 in CRP(MD) .No.157 of 2018

1.Dr. K. Shanmuganathan

2.N.Thavasimuthu : Petitioner/Respondents 1 & 2/Plaintiffs
in all CRPs

Vs

1.R. Gopalakrishnan

2.R.Sivan

3.R.Sankaranarayanan : Respondents 1 to 3/Petitioners/
Defendants 1,2&7 in CRP(MD) 157 of 2018
& CRP(MD) 158 of 2018

4.Nellai Surya

5.Velladurai Nadar

6.Madasamy Konar

7.T.Alagumuthu : Respondents 4 to 7/Respondents 3 to 6/
Defendants 3 to 6 in CRP(MD).157 of
2018 & CRP(MD 158 of 2018

1.Velladurai Nadar

2.R.Gopalakrishnan

3.R.Sivan

4.Nellai Surya

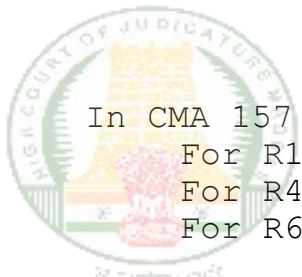
5.Madasamy Konar

6.T.Alagumuthu

7.R.Sankaranarayanan : Respondents 2 to 7/Respondents 3 to 8/
Defendants 1 to 3,5 to 7 in CRP(MD) 159
of 2018

COMMON PRAYER:- Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order dated 18.09.2017 made in I.A.No.692, 693 and 747 of 2017 in O.S.No.35 of 2011 on the file of the Sub Court, Valliyoor.

For Petitioners in all CRPs : Mr.K.Krishna



In CMA 157 of 2018

For R1 to R3

For R4 & R5

For R6 & R7

: Mr.H.Arumugam

: No Necessary Party

: No Appearance

In CMA 158 of 2018

For R1 to R3

For R6 & R7

: Mr.H.Arumugam

: No Appearance

In CMA 159 of 2018

For R1 to R7

: No Appearance

COMMON ORDER

The revision petitioners / plaintiffs filed these revisions to set aside the order, dated 18.09.2017 made in I.A.No.692, 693 and 747 of 2017 in O.S.No.35 of 2011 on the file of the Sub Court, Valliyoor.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The said Interlocutory Applications in I.A.Nos.693 of 2017 and 747 of 2017 have been filed to receive the additional written statement of defendants 1, 2, 8 and 4. The another application in I.A.No.692 of 2017 for reopen the case. In the Additional written statement, the respondents / defendants raised that the value of the suit is very low and hence, this Court has no pecuniary jurisdiction on the basis of the sale deed of the plaintiffs. The plaintiffs have purchased the sale deed property for a sum of Rs.4,00,000/- and the same has also been filed. The suit is about the pecuniary jurisdiction of the trial Court.

4. The revision petitioners have contended that the defendants filed these applications after closing of plaintiffs side evidence and posted for defendants side evidence and he should have raised the pecuniary jurisdiction at the earliest stage. In respect of his arguments, he has filed the Judgment of this Court ***dated 17.02.2020 made in CRP.Nos.561 to 564 of 2020 in the case of R.Jayavelu Vs.R. Ashok and others***, wherein it has been held that no doubt, it is a settled position of law that whenever the issue relating to the payment of Court fee is raised, it is a jurisdictional issue and it has to be decided as a preliminary issue. In this case, the defendants raised objections with regard to the pecuniary jurisdiction itself on the basis of plaintiffs documents. Further, the relevant para 14 of the said Judgment reads as follows:

"14. As already state supra, the trial has commenced and the arguments of the plaintiff is



over and the matter is posted for the final arguments of the respondents. In the above circumstances, I am of the view that the present applications have been filed with an ulterior motive to protract the suit proceedings. That apart, while framing the issues, the trial Court has also framed an issue with regard to the valuation of the suit property."

5. But, in this case only posted for defendants side evidence. Without jurisdiction, the Court cannot pass a decree, so, it has to be decided first and then, the Court can decide the matter on merits. So, the trial Court has rightly allowed all the three applications. Hence, this Court has not find any valid reasons to interfere with the order passed by the Court below.

6. Accordingly, the Civil Revision Petitions are dismissed by confirming the order, dated 18.09.2017 made in I.A.No.692, 693 and 747 of 2017 in O.S.No.35 of 2011 on the file of the Sub Court, Valliyoor.

The trial Court is directed to frame the issues regarding the jurisdiction and decide the matter and then, proceed with trial, if it is necessary. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Sub Judge, Valliyoor.

+1 CC to M/s.K.KRISHNA, Advocate (SR-13335[F] dated 22/03/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-13632[F] dated 22/03/2022)

C.R.P(MD).Nos. 157 to 159 of 2018 and
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MGJ(05.04.2022) 3P 4C