



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P.(MD)No.975 of 2018

and

C.M.P(MD) No.4275 of 2018

WEB COPY

P.Krishnaveni

... Petitioner

-vs-

1.Muthulakshmi

2.Lakshmanan

3.The Thasildar,
Ambasamuthram Main Road,
Tirunelveli District.

4.The District Collector,
Tirunelveli District.

... Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to set aside the order dated 18/01/2018 passed in I.A.No.184 of 2017 in O.S.No.95 of 2015 on the file of the District Munsif Cum Judicial Magistrate at Cheranmahadevi, Tirunelveli District and allow the civil revision petition.

For Petitioner

: Mr.J.Jeyakumaran

For R1

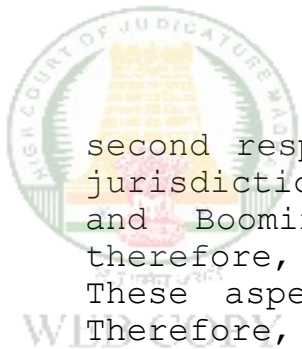
: Mr.J.Parekhkumar

ORDER

This civil revision petition has been filed by the petitioner/2nd defendant to set aside the order dated 18.01.2018 passed in IA No.184 of 2017 by the learned District Munsif cum Judicial Magistrate at Cheranmahadevi, Tirunelveli.

2.The said interlocutory application was filed by the petitioner to reject the plaint on the ground that the suit was filed by the first respondent/plaintiff without jurisdiction and the plaintiff has undervalued the suit and paid the court fee under the wrong provision. After hearing both parties, the Court below dismissed the said application by holding that the marriage of the first respondent/plaintiff and the deceased Boominathan was solemnized within the jurisdiction of Cheranmahadevi; at present, the first respondent is residing at Mukudal and therefore, the District Munsif cum Judicial Magistrate, Cheranmahadevi, will have the jurisdiction.

3.According to the revision petitioner, she is the second wife. The suit, which was filed by the plaintiff to declare her and the



second respondent as legal heirs of Boominathan, is not within the jurisdiction of the Cheranmahadevi Court, since the first respondent and Boominathan lived within the jurisdiction of Palayamkottai and therefore, the Court at Palayamkottai will have the jurisdiction. These aspects were not considered properly by the Court below. Therefore, he prayed to set aside the order of the Court below.

4. On the other hand, the learned counsel for the first respondent/ plaintiff would submit that the first respondent is living at Mukkudal. This is well within the jurisdiction of the District Munsif cum Judicial Magistrate's Court at Cheranmahadevi. Further the marriage of the first respondent and Boominathan was solemnized at Cheranmahadevi. Therefore, the suit was filed within the jurisdiction of the Court. These aspects were considered by the Court below in a proper perspective. Further, the suit was not undervalued and proper Court fee was paid. Therefore, the Court below has rightly dismissed the application filed by the revision petitioner under Order 7 rule 11 and the same need not be interfered with. Hence, he prayed for dismissal of the revision.

5. Heard the learned counsel appearing on either side and perused the records.

6. Upon hearing of both the counsel and perusing the records, it is clear that the marriage was solemnized between the first respondent and one Boominathan at Cheranmahadevi. At present, the first respondent is residing at Mukudal. It is an admitted fact that the first respondent and Boominathan lived at Palayamkottai, at the time of death of Boominathan. Merely because they lived at Palayamkottai at the time of death of Boominathan, that will not exclude the right of the first respondent to file the suit before Cheranmahadevi, based on the marriage solemnized with late Boominathan at Cheranmahadevi as well as the fact that presently, the first respondent is living at Mukudal. Therefore, the District Munsif cum Judicial Magistrate's Court at Cheranmahadevi is the jurisdictional Court to file the present suit. So, on these aspects, the well considered order of the Court below need not be interfered with and I do not find any substance in the submission made by the learned counsel for the petitioner.

7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

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/ /2022

Sub Assistant Registrar(CS)



cp

Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

The District Munsif Cum Judicial Magistrate
at Cheranmahadevi,
Tirunelveli District.

+1 CC to M/s.J.PAREKH KUMAR, Advocate (SR-13099[F]
dated 18/03/2022)

C.R.P. (MD) No.975 of 2018
and
C.M.P (MD) No.4275 of 2018
Dated: 16.03.2022

KB(18.04.2022) 3P 3C