



C.R.P. No.1394 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P. No.1394 of 2019
and CMP.No.9170 of 2019

Padmavathy

... Petitioner/1st Respondent / Plaintiff

Vs.

1.A.N.Easwaravel
2.E.Sivakumar
3.Srinivasan @ Sampath
4.S.Rukmani
5.Sabari Keerthana
6.Janagan

... Respondents /
Petitioners, Respondents 2 to 5 /
Defendants 5,6, 1 to 4

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 21.12.2018 made in I.A.No.509 of 2018 in O.S.No.325 of 2012 on the file of the District Munsif Court at Palladam.

For Petitioner : Mr.C.R.Prasanan

For Respondents : Mr.S.Prathasarathy for R1 & R2
R3 to R6 – Given up



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ORDER

The suit O.S.No.325 of 2012 is laid for declaration and for certain ancillary relief of injunction before the District Munsif Court at Palladam. The suit is being contested by defendants 5 and 6 [Vide separate order in CRP.No.2785/2018, this Court has directed the impleadment of the purchaser from the 6th defendant, and who would now be tagged to the list of defendants as 7th defendant in the suit].

2.The trial of the case has commenced, and examination of P.W.1 has already concluded, and P.W.2 is in the witness box. It is at this stage, defendants 5 and 6 have taken out I.A.No.509/2018, challenging the valuation of the suit under Order 7 Rule 11(d) CPC., The foundation for defendants 5 and 6 for alleging under-valuation of the suit is that the sale consideration that had passed under the sale deeds which runs to few lakhs.

3.The case of the plaintiff is that the suit is valued under Section 25(b) of the Tamil Nadu Court Fees and Suit Valuation Act, 1955, whereunder the suit has to be valued half the market value of the suit property. So far as the



definition of market value goes, according to the plaintiff, in terms of Section 7 of the said Act, market value of a property is deemed to be 30 times the kist payable for the property.

4. On considering the rival submissions of both sides, the trial Court first extracted Section 7, as amended vide Tamil Nadu Court Fees and Suit Valuation Act [Tamil Nadu Act 6/2017], which came into force on 01.03.2017, but proceeds to go for a definition of market value elsewhere.

5. Heard both sides. This Court finds that the approach of the Court below is not supported by law. Till the coming into force of Tamil Nadu Act 6/2017, suit valuation for a class of suits falling under Section 25(b) shall be reckoned at half the market value of its market value. But, the market value carries a technical definition under Section 7, according to which, it is 30 times the kist. It is nobody's case that the suit was not valued in terms of the definition 'market value' under Section 7 as it was. What however sought to be telescoped is the effect of the amendment to Section 7, by which Section 7(2) was dropped and an Explanation was added, and this Explanation provides that the market value must be reckoned *prima facie* at the guideline value fixed by the authorities concerned under Section 47-AA of Indian



Stamp Act, 1899, and unless the plaintiff is able to demonstrate that the guideline value so fixed was artificial, the said value binds the plaintiff. But as mentioned earlier, this will be the position from 01.03.2017, the date on which Act 6/2017 came into force. However, in the instant case, the suit was laid sometime in 2012, and therefore, the suit must be valued only in terms of the Act that was then in force when the suit was instituted. See: ***Raman Vs. Rahmathunnisa and two others*** [1999 (III) CTC 88].

6. Here, the learned trial Judge has not only let himself to be tripped by the Amendment Act, but also for reasons not adequately clear, allowed himself guided by certain principles on market value from other sources.

7. To conclude, this Court considers it appropriate to interfere with the order of the trial Court and allows the revision, and holds that the suit is properly valued at the time when it was instituted. No costs. Consequently, connected miscellaneous petition is closed.

8. The trial Court is now required to expedite the trial and dispose of the suit at the very earliest, but only after granting time for the revision petitioner in



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CRP.No.2735/2018 to complete the pleadings in the manner indicated in the order in CRP.No.2735/2018.

06.04.2023

Index : Yes / No

Speaking order / Non-speaking orders

To:

1. The District Munsif Court
Palladam.

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



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N.SESHASAYEE, J.,

ds

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