



C.R.P. No.3150 of 2019 &  
C.M.P. No.20570 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM: JUSTICE N.SESHASAYEE

C.R.P. No.3150 of 2019 & C.M.P. No.20570 of 2019

Kailasan

... Petitioner

Vs.

Selvam

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order of the District Munsif Court, Rasipuram dated 04.12.2018 in I.A. No.327/2018 in O.S. No.80/2013.

For Petitioner : Mr.T.Dhanyakumar

For Respondent : No Appearance

### **ORDER**

This revision is preferred challenging the valuation of the suit filed by the plaintiff for partition in O.S. No.80 of 2013. The first defendant has taken out an application in I.A. No.327 of 2018 that the suit property will be worth more than Rs.11.00 lakhs, which even the plaintiff admits, and hence the plaintiff



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must be directed to value the suit appropriately and if so done, the District Munsif Court before which the suit is pending, will not have pecuniary jurisdiction to entertain the suit and directed to return the suit as well. The application was filed some five years after the institution of the suit challenging the valuation, etc.

2. By a considered order, the learned trial Judge dismissed the application. The same is under challenge in this revision.

3. Heard the learned counsel for the revision petitioner.

4. A perusal of the order of the learned trial Judge indicates that since only a fixed court fee is prescribed under Section 37(2) of the Tamil Nadu Court Fees and Suits Valuation Act, 1955, it might not matter much. The learned trial Judge appears to have missed the point for valuation of the suit property, and that it will be determined before the court in which the suit can be laid and the fixed court fee is merely attached to that. Notwithstanding this, the defendants have not produced any material to suggest how the valuation of the suit property is to be arrived.



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5. Considering the materials placed before this court, this court does not consider it necessary to engage into an investigation as to the correctness of the order of the trial court. It is suffice to direct the trial court to frame an issue as to the correctness of the suit valuation and take up the matter for trial in a litigation pending for 10 years now.

6. The civil revision petition is disposed of accordingly. However, there is no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

15.03.2023

Asr

To  
The District Munsif, Rasipuram



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**N.SESHASAYEE, J.,**

Asr

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