



C.R.P.(NPD)No.2835 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P(NPD)No.2835 of 2019

R.T.L.Chandar

... Petitioner

VS

K.Prithvi Raj

.. Respondent

Petition filed under Section 115 of the Code of Civil Procedure against the Fair and decreetal order of the Principal District Munsif at Alandur dated 27.06.2019 made in I.A.No.962 of 2017 in O.S.No.671 of 2016.

For Petitioner : Mr.S.Rajendrakumar

For Respondent : Mrs.Vasuki Ramanan  
for Mr.M.Kempraj

### **ORDER**

This revision challenges the order passed by the learned Principal District Munsif, Alandur in I.A.No.962 of 2017 in O.S.No.671 of 2016.

The suit in O.S.No.671 of 2016 has been presented as one for declaration



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of title and for permanent injunction. The plaintiff claims to have purchased the property by way of a registered sale deed and since he faced interference at the hands of the defendants, he came forward with the present suit.

2.In June of 2017, a written statement was presented. In pursuance thereof I.A.No.962 of 2017 was filed on 17.08.2017 to reject the plaint on several grounds including the lack of cause of action, limitation and improper valuation affecting the pecuniary jurisdiction of the Court.

3.This Court by an order dated 09.04.2019 in CRP(PD)No.1225 of 2019 dismissed the revision. However, it granted liberty to the petitioner to raise the question of valuation and directed the trial Court to pronounce an order of that issue first and thereafter proceed with the suit.

4.Pursuant to the directions of this Court, the learned trial Judge took up the application again and held that by virtue of the fact that the purchase of the property was made by way of a registered sale deed for Rs.2,74,68,000/-, it does not have the pecuniary jurisdiction to deal with the issue. Aggrieved by the said order, the present revision has been filed.

5.I heard Mr.S.Rajendrakumar, learned counsel appearing for the



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petitioner and Mrs.Vasuki Ramanan, learned counsel for Mr.M.Kempuraj,  
learned counsel appearing for the respondent.

6.I feel that the trial Court has committed an error in not taking into consideration Section 7(2)(a) of the Tamil Nadu Court Fees and Suit Valuation Act (as it stood prior to its amendment). In its original avatar, the Section read that market value for suits falling under Section 25(a), 25(b), 27(a), 29, 30, 37(3), 38, 45 and 48 of the Act, (if the property is a ryotwari property), then the assessment must be only on the basis of 30 times the survey assessment of the land. There is no dispute in this particular case that the land was originally an inam land which was subsequently converted to ryoti, during ryotwari proceedings.

7.In fact, parties have been litigating that it is an inam land which became ryotwari before the jurisdictional Revenue Officer at Kancheepuram. To substantiate the fact that the property is a ryoti land, the plaintiff has also filed a kist receipt issued on 05.06.2014. Court Fees Act being a taxing statute, it has to be read strictly. In case of any benefit accruing in favour of the plaintiff, the Court has to fall in favour of plaintiff, rather than giving an expansion notion. When there is no dispute that the property is a ryoti land, valuation should have gone as per Section 7(2)(a) of the Act and not any other provision.



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8.This issue is no longer *resintegra* and has been settled by a judgment of this Court in ***Sundarrajan and Others v. Vellai Vinayagar Koil and Others [AIR 2001 MAD 110]***. Consequently, the order passed by the trial Court is set aside. The Court fee paid by the plaintiff is proper. The Court is now directed to proceed on the merits of the case as expeditiously as possible. This Civil Revision Petition is allowed. No costs.

**03.08.2023**

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

To

The Principal District Munsif,  
Aandur.



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**V. LAKSHMINARAYANAN,J.**

VS

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