



C.R.P.No. 4194 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4194 of 2023

1. Jamuna Rani
2. Nagalakshmi
3. Minor Narendra Prasad
Represented by guardian mother
2nd petition Nagalakshmi

.. Petitioners

Vs

State Bank of India,
Panruti Branch,
Represented by Branch Manager,
74-A, Vasantham Towers,
Kumbakonam High Road, Panruti,
Panruti Taluk, Cuddalore District.

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the revision petition and set aside the order dated 23.06.2023 passed in unnumbered O.S. of 2023 on the file of the District Munsif Court, Panruti.

For Petitioners : Mr.R.Gururaj
for Mr.D.Baskar



C.R.P.No. 4194 of 2023

ORDER

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This Civil Revision Petition is filed challenging the docket order dated 23.06.2023 passed by the trial Judge, the plaintiffs have preferred this revision.

2. Before the trial Court, the plaintiffs / petitioners herein filed a suit to declare them as legal heirs of the deceased Balaji Prasad, in order to receive the amount maintained by the defendant / State Bank of India, Panruti Branch. Before numbering the suit, the trial Judge returned the plaint stating that valuation of the Court fee is not correct, the observation made by the trial Judge in respect of relief of mandatory injunction. The Court fee paid under Section 27(c) of TNCF Act, not been acceptable, as it is not come under the caption of “incapable of valuation” directing them to pay the Court fee. Accordingly, the plaint was returned stating that no pecuniary jurisdiction was assigned in the said Court.

3. Admittedly, the amount laying in the saving account comes around Rs.13 lakhs. Considering that, now the trial Judge held that Munsif



C.R.P.No. 4194 of 2023

Court has no pecuniary jurisdiction to take the case on file. On seeing the entire relief, the plaintiffs / petitioners herein want to declare them as legal heir of the deceased Balaji prasad. On such declaration, they want direction against the bank to release the amount. Therefore, the mandatory injunction is only consequential relief of the declaration, as such is permissible, for which the Munsif Court is having the correct jurisdiction. Therefore, the observation made by the trial Judge is set aside.

4. Registry is directed to return the plaint within two weeks. Thereafter, the trial Judge is directed to take the case on file within two weeks from the date of receipt of copy of this order.

5. In the result, the Civil Revision Petition is allowed. No costs.

29.11.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To
The District Munsif Court, Panruti.

3/4



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C.R.P.No. 4194 of 2023

T.V.THAMILSELVI, J.

AT

C.R.P.No. 4194 of 2023

29.11.2023