



CRP.(MD).No.979 of 2015 (NPD)

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR,J.

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- 1.Vanaja
- 2.Jeyabharathi
- 3.Indrajothi

...Petitioners / Respondents / Plaintiffs
Vs.

- 1.T.Narayanasamy (Died)
- 2.N.Thirupathi Venkatachalapathi
- 3.N.Sanjeevirajan
- 4.Seenivasan
- 5.Lakshmi
- 6.Andalammal
- 7.Akkamal
- 8.Amala
- 9.Balaji

...Respondents

(Respondent Nos.4 to 9 are brought on record as legal representatives of the deceased 1st respondent vide Court Order dated 30.03.2023 made in C.M.P.(MD).No.11600 of 2023 in C.R.P.(MD).No.979 of 2015)

PRAYER: This Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 07.09.2010 passed in I.A.No.144 of 2010 in O.S.No.34 of 2010, on the file of the District Munsif Court, Sivakasi, by allowing this Civil Revision Petition.

For Petitioners	: Mr.F.X.Eugene
For R-2 & R-3	: Mr.R.Satish
For R-4 to R-9	: No Appearance
R-1	: Died



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ORDER

The present Revision Petition has been filed by the plaintiffs in a suit for declaration of title and for permanent injunction with an alternative prayer for partition, is the revision petitioners.

2. The revision petitioners have filed O.S.No.34 of 2010 before the District Munsif Court, Sivakasi, for the reliefs as stated supra.

3. Pending the suit, the defendants have filed an Interlocutory Application in I.A.No.144 of 2010 under Order 7 Rule 11 of C.P.C. on the ground that the suit first item has not been properly valued and if it is properly valued, the District Munsif Court, Sivakasi, will not have the pecuniary jurisdiction to entertain the said suit. The plaintiffs have filed a counter affidavit contending that the allegation of under valuation cannot be a reason for rejection of the plaint and hence, they prayed for dismissal of the said application. The trial Court, after considering the valuation of the suit property in another suit, it came to the conclusion that the suit first item of property has been undervalued by the plaintiffs. It further found



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that, in case, if it is valued properly, it would exceed the pecuniary jurisdiction of the said Court. Basing on the said observations, the trial Court proceeded to reject the plaint. Challenging the said order, the present Revision Petition has been filed.

4. Learned counsel appearing for the revision petitioners has contended that even assuming that the suit has been undervalued, the trial Court ought to have returned the plaint for being presented before the proper forum. The trial Court cannot reject the plaint.

5. Per contra, the learned counsel appearing for the respondents contended that the plaintiffs have wantonly undervalued the plaint and has presented the same before the District Munsif Court, Sivakasi and therefore, the trial Court was right in rejecting the plaint.

6. Considering the submissions made on either side and on perusing the affidavit in I.A.No.144 of 2010, it clearly reveals that the value of the property is more than the pecuniary jurisdiction of the District Munsif Court, Sivakasi. The trial Court has also accepted the said contention and has arrived at a finding that the valuation is not proper and



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the suit property has been undervalued and lesser Court fee has been paid.

Therefore, it is clear that the only ground on which the plaint is rejected is on the ground of lack of pecuniary jurisdiction.

7. In case of lack of pecuniary jurisdiction, the only option available to the trial Court is to return the plaint to be presented before the proper forum. The Court cannot reject the plaint. However, in the present case, the trial Court without considering the implications, had rejected the plaint as prayed for by the defendants. Hence, the said order is not sustainable in the eye of law. Therefore, the order passed in I.A.No.144 of 2010 in O.S.No.34 of 2010, on the file of the District Munsif Court, Sivakasi, is set aside and the trial Court is directed to return the plaint to the plaintiffs to be presented before the appropriate forum

8. With the above observations, the Revision Petition stands allowed. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
tsg



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To

1. The District Munsif Court, Sivakasi.
2. The Record Keeper,
Madurai Bench of Madras High Court, Madurai.



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