



C.R.P.(MD) No.1364 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.(MD) No.1364 of 2018

and

C.M.P(MD) No.5905 and 6683 of 2018

1.S.Vedhanayagam Ammal

2.R.Rajapandian

... Petitioners

Vs.

1.L.Michael

2.Jesunesan

3.Ananthan

4.Manivel

5.Arokiasamy

6.Project Manager,
National Highways Authority of India,
Karaikudi.

7.Special District Revenue Officer Land Acquisition,
National Highways,
Ramanathapuram.



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8.Special Tahsildar Land Acquisition,
National Highways,
Devakottai.

9.Tahsildar,
Devakottai Taluk,
Devakottai.

... Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to set aside the impugned order dated 26.06.2018 passed in I.A.No.713 of 2018 in O.S.No.56 of 2015 by the learned District Munsif, Devakottai and to allow this Civil Revision Petition.

For Petitioners	: Mr.N.S.Karthikeyan
For R1	: Mr.V.R.Shanmuganathan
For R2 to R5	: Mr.M.Muthugeethayan
For R6	: Mr.P.Karthick
For R7 to R9	: Mr.A.Baskaran Additional Government Pleader

ORDER

The defendants 2 and 7 aggrieved by the order dated 26.06.2018 passed in I.A.No.713 of 2018 in O.S.No.56 of 2015 on the file of District



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Munsif, Devkottai, have preferred the present civil revision petition.

2. The interlocutory application in I.A.No.713 of 2018 was taken out by the defendants 2 and 7 to decide the pecuniary jurisdiction of the Court, as a preliminary issue. Subsequent to the filing of the said interlocutory application, the first respondent / plaintiff filed a memo stating that he is not pressing relief No.3 and therefore, he contended that if relief No.3 is given up, the suit would be very much maintainable before the District Munsif, Devakottai. Taking note of the said memo, the trial Court has dismissed I.A.No.713 of 2018.

3. It is the grievance of the revision petitioners that despite withdrawal/not pressing of relief No.3, the fourth relief in the suit is also pertaining to land acquisition compensation and the amount involved in respect of the said fourth relief was also in excess of Rs.1,92,000/- and the same being beyond the pecuniary limits of the trial Court, the trial Court ought not to have dismissed I.A.No.713 of 2018.



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4. I have heard the learned counsel for the petitioners, learned counsel for the first respondent, learned counsel for the respondents 2 to 5, learned counsel for the sixth respondent and the learned Additional Government Pleader for the respondents 7 to 9.

5. During the course of arguments, the first respondent/plaintiff would state that apart from O.S.No.56 of 2015, there is another suit pending in O.S.No.37 of 2015 and that both the suits are now pending on the file of the District Munsif Court, Devokattai and are being tried jointly. The learned counsel for the first respondent/plaintiff would state that in view of the objection taken by revision petitioners as well as the respondent 2 to 5, despite giving up relief No.3, other reliefs in the suit are of a value in excess of Rs.1,00,000/-. The counsel stated that both the suits can be tried before the Sub Court and if such a course is adopted, a quietus can be given to the preliminary objection that has been taken by the defendants 2 and 7.

6. Considering the only grievance of the revision petitioners that the District Munsif lacks of pecuniary jurisdiction to try the suit in



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O.S.No.56 of 2015, both the suits are transferred to the Sub Court, Devakottai, leaving open all the issues to be tried by the learned Subordinate Judge, Devakottai and the parties shall continue the trial of the suits from the stage, where it has been left at the District Munsif Court, Devakottai. It is also brought to my notice that the suits were already being tried jointly and therefore, the Sub Court, Devakottai, shall also try both the suits jointly.

7. The learned counsel for the respondents 2 to 5 would state that on the transfer to the Sub Court, Devakottai, the plaintiff will have to pay necessary Court fee. However, the said submission cannot be countenanced for the simple reason that the respondents have not taken out an application under Section 12 of the Tamil Nadu Court Fees and Suit Valuation Act, 1955. Therefore, at this stage, the only issue is with regard to the jurisdiction of the Munsif Court to try the suit. The valuation in the plaint remains unaltered because the plaintiff has not chosen to seek any amendment of the same till date. The issue whether reliefs have been valued properly and proper Court fee is paid or not shall also be decided by the Sub Court, Devakottai at the time of final



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disposal of the suit along with other issues.

8. The learned District Munsif, Devakottai shall ensure that all the records in both the suits are sent to the Sub Court, Devakottai, within a period of four weeks from the date of receipt of a copy of this order. The learned Subordinate Judge, Devakottai, shall endeavour to dispose of both the suits within a period of six months thereafter.

9. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.11.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp

To

The District Munsif,
Devakottai.



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P.B. BALAJI, J.

cp

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