



C.R.P.(PD)No.2491 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 18.07.2024**

CORAM

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**C.R.P.(PD)No.2491 of 2024**

**and**

**C.M.P.No.13039 of 2024**

R.Marimuthu

.. Petitioner

Vs.

M.Dilli

.. Respondent

**Prayer** : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 04.01.2024, passed in I.A.No.20 of 2019 in O.S.No.58 of 2018 on the file of the learned District Munsif – cum – Judicial Magistrate at Uthukottai, Tiruvallur District.

For Petitioner : Dr.S.S.Swaminathan

**ORDER**

The present Civil Revision Petition arises against an order passed by the learned District Munsif - cum - Judicial Magistrate at Uthukottai,



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Tiruvallur District in I.A.No.20 of 2019 in O.S.No.58 of 2018 dated 04.01.2024.

2. O.S.No.58 of 2018 is a suit for bare injunction based on possession.

3. According to the plaintiff, the property belongs to one Mariappa Reddy who is his father. His sisters had executed a release deed in his favour on 06.04.2016. On 13.12.2018, when the defendant, who is the cultivator of the neighboring land, attempted to interfere with the possession of the plaintiff, he came forward with the suit.

4. In this suit, the defendant took out an application under three different and separate heads but filed a common petition. He pleaded that the District Munsif Court does not have jurisdiction to try the suit and it has to be returned. He would also state that the suit is not maintainable for payment of improper Court fee and it is liable to be rejected under Order VII Rule 11(b) of the Code of Civil Procedure, and he also sought valuation of the suit in terms of Section 12(3) of the Tamil Nadu Court-Fees and Suits



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Valuation Act, 1965. The learned District Munsif would have nothing of this and dismissed the petition, against which the present revision has been presented before this Court.

5. Heard Dr.S.S.Swaminathan, appearing on behalf of the petitioner.

6. Dr.S.S.Swaminathan would submit on the basis of the plaint, particularly in Paragraph No.5, since the plaintiff has claimed that he is the owner of the property and the defendant does not have right over the same, the plaintiff should have brought forth the suit only under Section 27(a) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1965 and not under Section 27(c) of the said Act. Therefore, he would plead that if it is brought under Section 27(a) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1965, it should have been valued on the market value of the land, and that being above the pecuniary jurisdiction of the learned District Munsif, the plaint ought to be rejected.

7. A perusal of the plaint shows that the plaintiff has claimed only the possession of the property on the basis of a release deed executed by his



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sisters on 06.04.2016. He has specifically stated that the cause of action for the suit arose when the defendant attempted to interfere with his possession on 13.12.2018. Therefore, this is a suit simplicitor on the basis of possession and not the one on the basis of title. If it is the one on the basis of possession, then the plaintiff has to prove that he is in the possession of the property. In order to substantiate the same, he has filed a Patta in favour of his father as well as the online Patta in his favour. Since these records would point out to the possession of the plaintiff and he has rightly valued under Section 27(c) of the Tamil Nadu Court-Fees and Suits Valuation Act, I do not find any reason to interfere with the order passed by the learned District Munsif - cum - Judicial Magistrate, Uthukottai at Tiruvallur District.

8. Accordingly, the Civil Revision Petition stands dismissed. No costs. The connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No



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**V. LAKSHMINARAYANAN, J.**

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To

The learned District Munsif – cum –  
Judicial Magistrate at Uthukottai,  
Tiruvallur District

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