



C.R.P. No. 1779 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P. No. 1779 of 2021

and

C.M.P. No. 13753 of 2021

Yogesh Velayudan Kandaiyan

... Petitioner

Vs.

1.Balasubramanian Bhanumathi

2.Masanam

... Respondents

Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair order made in O.S.SR.No.2428 of 2021 on the file of the District Munsif, Chengalpattu, Kanchipuram District dated 06.07.2021.

For Petitioner : Mr. S. Vijayakumar

For Respondents : Mr. R. Kalidass, for R1



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ORDER

This Civil Revision Petition has been filed against the order dated 06.07.2021 in O.S.SR.No.2428 of 2021 on the file of the District Munsif, Chengalpattu, Kanchipuram District.

2. The petitioner is the plaintiff and respondents are the defendants in the suit.

3. The petitioner filed the suit seeking declaration of the sale deed dated 28.06.2018 executed by the first defendant in favour of the second defendant as sham, nominal and non-est in the eye of law and for a permanent injunction restraining the first defendant and her men, agents or anyone claiming under her from in any manner encumbering the suit Item No.2 of the schedule property and directing the defendants to pay costs of the suit to plaintiff. The District Munsif, Chengalpattu, has passed an order dated 06.07.2021 returning the plaint with a direction to present before proper Court having jurisdiction, after necessary amendments.



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4. While returning the plaint, the lower Court came to conclusion that the Court does not have pecuniary jurisdiction to entertain the suit. Aggrieved by the order dated 06.07.2021 of the District Munsif, Chengalpattu in returning the plaint, the present Civil Revision Petition has been filed.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent.

6. While returning the plaint, the Court below opined that the plaintiff in plaint elicit that his parents had paid the consideration for purchase of the suit property in the name of first defendant, but they are not added as parties in this suit and the plaintiff himself prayed for the relief without establishing how he acquired right in the suit property. The Court below also noted that in the event of praying for declaration of title in the suit property or cancellation of document, as the market value of the suit property appears to be of more than Rs.55,00,000/-, the District Munsif, Chengalpattu will not have pecuniary jurisdiction to entertain the suit.



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7. Considering the reasons stated by the Court below for returning the plaint and as the petitioner filed the suit only for cancellation of the sale deed without claiming any declaration of title, in our considered view, there is no illegality or infirmity in the order passed by the Court below and interference of this Court is not warranted into the said order.

8. Accordingly, the Civil Revision Petition is dismissed.

9. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

20.06.2024

Index : Yes / No

Neutral Citation : Yes / No

AT

To

The District Munsif, Chengalpattu, Kanchipuram District.

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BATTU DEVANAND, J.

AT

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