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C.R.P. No. 3462 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P. No. 3462 of 2024

Arulmani

... Petitioner / Plaintiff

Vs.

1. Emmanuel

2. Thesirani

... Respondents/ Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 11.07.2024 passed in O.S. No. 1354 of 2023 on the file of the Principal District Munsif Judge, Puducherry by allowing the above civil revision petition.

For Petitioner : Mr. M.Selvam
for Mr. C.Umashankar

ORDER

The civil revision petition arises against the order dated 11.07.2024 in O.S. No. 1354 of 2023 on the file of the Principal District Munsif at Puducherry.



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2. The civil revision petitioner had presented a suit seeking for declaration that the “WILL” executed by one Arokiamary is null and void and not binding on the plaintiff and to declare the settlement deed executed by the 1st defendant in favour of the 2nd defendant as null and void and for the relief of injunction restraining the defendants from alienating the property on the basis of “WILL” and Settlement Deed.

3. This suit was taken on file by the Principal District Munsif at Puducherry as O.S. No. 1354 of 2023.

4. Notice was ordered in the said suit to returnable by 09.10.2023. It transpires that the defendants had entered appearance and filed a written statement. Since the written statement exceeded the pecuniary jurisdiction of the Munsif Court, the plaint also has been returned with an endorsement as follows:-

"Valuation of relief No. 1 & 2 mentioned in the counter claim exceeds the pecuniary jurisdiction of Munsif Court, Puducherry. Plaint returned as per Order VII Rule 10A of CPC"



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This order is put in revision before me.

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5. Heard Mr. M.Selvam for Mr. C.Umashankar for the civil revision petitioner.

6. I am unable to understand the order dated 11.07.2024 passed by the learned Principal District Munsif. A reading of the plaint shows that the suit has been valued under the Tamil Nadu Court-Fees and Suits Valuation Act, 1955, as per, Section 25(d) for the reliefs (i) and (ii) and Section 27(c) for the reliefs (iii) and (iv). This would show that the learned Principal District Munsif has jurisdiction to entertain the suit. If the counter claim exceeds the jurisdiction of the Court, then the counter claim would have to be returned and it is up to the defendants to either file it as a suit or restrict the counter claim to bring it within the jurisdiction of the District Munsif. For the mistake committed by the defendants, the plaintiff cannot suffer.

7. The valuation of the plaint is correct. The Court erred in returning the plaint for presentation before the proper Court. In fact, the plaintiff cannot present the Court before the superior Court because his valuation does not come within the pecuniary jurisdiction of the Subordinate Court or District



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Court. Hence, the civil revision petition is allowed. The learned Principal District Munsif at Puducherry shall take the plaint back on to its file. It is left open to the defendants to present their counter claim as a suit before the superior Court, if they so desire. The Trial Court can always delete the counter claim portion and receive it as written statement in the suit.

8. With the above observations, the civil revision petition is allowed. No costs. The learned Principal District Munsif shall take the plaint back on to its file.

29.08.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
pal

Note to Registry: The original of the plaint having been filed before the Court, the same shall be returned to the counsel for the plaintiff after taking the usual endorsement.



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To

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The Principal District Munsif Judge, Puducherry.



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V.LAKSHMINARAYANAN, J.,

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