



C.R.P.No.3937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30..09..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition No.3937 of 2024

and

C.M.P.No.21516 of 2024

S.Vallinayagam

..... Petitioner

-Versus-

R.Santhana Gopalakrishnan

..... Respondent

Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 07.02.2024 made in I.A.No.2 of 2023 in O.S.No.225 of 2020 on the file of the learned District Munsif, Kumarapalayam.

For Petitioner : Mr.B.Jawahar



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ORDER

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This civil revision petition arises against an order dated 07.02.2024 passed by the learned District Munsif, Kumarapalayam, Namakkal District, in I.A.No.2 of 2023 in O.S.No.225 of 2020.

2. The defendant is the civil revision petitioner. The plaintiff had presented a suit for permanent injunction restraining the defendant from interfering with his peaceful possession and enjoyment of the properties in Item No.1 and Item No.2 and for a consequential relief of mandatory injunction to remove the compound wall that had been put up by the defendant allegedly encroaching upon the property belonging to the plaintiff.

3. A detailed written statement was presented by the defendant. Thereafter, the suit was posted for trial. The plaintiff had filed a proof affidavit as P.W.1. At that stage, the defendant took out an application in I.A.No.1 of 2022 for the filing of a detailed written statement and the same stood allowed on 15.07.2022.

4. The plea of the defendant in the written statement was that the plaintiff had not sought the relief of recovery of possession but, had sought only the



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relief of mandatory injunction, and hence the suit is not maintainable.

Consequent to this plea, the plaintiff took out an application in I.A.No.2 of 2023 seeking to add the prayer for delivery of possession. The civil revision petitioner/defendant filed a detailed counter to the said application. After receipt of the counter and hearing the submissions made on either side, the learned District Munsif, allowed the amendment application. Hence, this revision.

5. Heard Mr.B.Jawahar for the civil revision petitioner.

6. Mr.B.Jawahar would plead that while the prayer in the plaint was amended, separate valuation was not done for the property and that the value of the property measuring an extent of 200 square feet, which is in Item No.3 of the schedule to the plaint, is over Rs.3,00,000/-. To that effect, he invited my attention to Para 6 of his counter.

7. A perusal of the plaint shows that the specific case of the plaintiff in para 5 of the plaint is that his land had been encroached upon by the defendant, and this he has identified as suit Item No.3. Even when he presented the suit in 2020, he had specifically valued the property under Section 27(c) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and had paid appropriate court-fees to that effect. For seeking consequential relief, no



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separate valuation is necessary.

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8. In the light of the above discussions, I do not find any error in the order dated 07.02.2024 passed by the learned District Munsif, Kumarapalayam, in I.A.No.2 of 2023 in O.S.No.225 of 2020.

In the result, the civil revision petition is dismissed. No costs. Consequently, connected CMP is closed.

Index : yes / no 30..09..2024
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

1.The District Munsif, Kumarayapalam, Namakkal District.



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V.LAKSHMINARAYANAN.J.,
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