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C.R.P.(PD)No.4246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.10.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(PD)No.4246 of 2024
and C.M.P.No.23618 of 2024**

1. P.Padhmavathi
2. Saraswathi

.. Petitioners

Vs

The State represented by
Its District Collector,
Erode District,
District Collector Office,
Erode-638 011.

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 21.02.2024 made in O.S.No.232 of 2022 on the file of the District Munsif Court at Gobichettipalayam.

For Petitioners : Mr.C.A.Ramanan
for Mr.N.Manokaran

For Respondent : Mr.V.Ramesh, Government Advocate



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ORDER

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This civil revision petition arises against the order of the learned District Munsif at Gobichettipalayam, pursuant to the check slip issued on 06.01.2023, dated 21.02.2024.

2. The plaintiffs sought for declaration of their absolute title to the suit schedule mentioned property. They valued the suit under Section 25(d) of the Tamil Nadu Court Fees and Suits Valuation Act.

3. On 06.01.2023, a check slip was issued stating that the plaint had been valued under Section 25(d) instead of Section 25(b) and therefore, the plaintiffs were called upon to submit the objections.

4. The plaintiffs pleaded that the suit is only for mere declaration and no injunction relief is sought for and therefore, it can be valued under Section 25(d).

5. The learned District Munsif did not agree with the said submission and directed the plaintiffs to pay the Court fee as per Section 25(b) and adjourned the matter. Hence, this revision.



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6. Heard Mr.C.A.Ramanan for Mr.N.Manokaran for the civil revision petitioners and Mr.V.Ramesh, Government Advocate, for the State of Tamil Nadu.

7. Section 25 of the Tamil Nadu Court Fees and Suits Valuation Act deals with the declaratory decrees and orders. It starts with the sentence “a suit for declaratory relief with or without a consequential relief and not a suit falling under Section 26”. The mere fact that the plaintiffs have not sought for a consequential relief, it does not mean the suit should be valued under Section 25(d). 25(d) operates when the subject matter of the property is capable of valuation or not. In case the suit relates to an immovable property, then the appropriate provision will be Section 25(b). This is because, it states where the prayer is for a declaration and for a consequential injunction and the relief is sought with respect to immovable property, then the valuation should be on half the market value of the property or Rs.5,000/-, whichever is higher.

8. A perusal of the plaint shows that the plaintiffs claim title to an immovable property situated at Kullampalayam village, Gobichettipalayam Taluk, Erode District. When the relief that is sought



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for relates to an immovable property, as rightly held by the learned District Munsif, then the relief of declaration should be valued under Section 25(b). Therefore, I do not find any reason to take a different view than the one taken by the District Munsif.

9. Since the plaintiffs were pursuing the present revision, the time granted by the learned District Munsif at Gobichettipalayam to correct the valuation and make the payment of extract Court fee is extended till 30.11.2024. In case the Court fee is not paid on or before that date, the Court will pass appropriate orders in terms of Order VII Rule 11(b) of the Code of Civil Procedure.

10. With the above observations, the civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2024

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No

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To
The District Munsif, Gobichettipalayam.



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V. LAKSHMINARAYANAN,J.

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