



*C.R.P(MD)No.1713 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2024**

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN  
THILAKAVADI**

**C.R.P(MD)No.1713 of 2022**

M.Ramasamy

... Petitioner

Vs.

1.Mohammed Ismail

2.Dinesh

3.Dhanalakshmi

... Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Sub Court, Theni to number the unnumbered suit filed by the petitioner herein in O.S.(A)No.914 of 2022 by allowing the Civil Revision Petition and also direct the Registry to return the original plaint.

For Petitioner : Mr.V.S.Karthi  
for M/s.VS.Karthi Associates



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**ORDER**

The present Civil Revision Petition for numbering the suit filed by the petitioner before the Sub Court, Theni.

2. According to the revision petitioner, the suit has been filed for recovery of possession of the suit property. At the time of presentation of the plaint, the plaintiff has valued the suit and the same was returned on the ground of under valuation. It is submitted that the plaintiff has paid the Court fee more than the guideline value. In spite of that the Trial Court has repeatedly returned the plaint stating that the suit is under valued. Aggrieved by this, the present revision is preferred.

3. Heard the learned Counsel for the petitioner and perused the materials available on record.

4. It is settled legal position that at the time of numbering the suit, the Court has to go in the averments in the plaint and the Court cannot



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conduct a roving enquiry taking the role of the defendant at the time of numbering the suit. If the suit is undervalued, the Court can decide the same as preliminary issue. Hence, the Trial Court is directed to number the plaint, if it is otherwise in order and dispose the same in accordance with law on its own merits.

**5.** With this observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

**04.12.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
BTR

***Note: Registry is directed to return the original plaint after getting acknowledgement.***

To

The Sub Court,  
Theni.

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**K.GOVINDARAJAN THILAKAVADI, J.**

BTR

**Order made in**  
**C.R.P(MD)No.1713 of 2022**

**04.12.2024**