



C.R.P.(MD).No.1656 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 02.04.2024

DELIVERED ON: 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**C.R.P.(MD).No.1656 of 2019
and
CMP(MD).No.8598 of 2019**

C.Selvam

...Petitioner

Vs

1.Saravanan

2.Palanichamy

Venkatraman (died)

3.Eswaran

4.Abirami

5.Padmanaban

6.Muralitharan

7.Rengarajan

8.Vellaisamy



C.R.P.(MD).No.1656 of 2019

9.Shanthi

Kasirajan (died)

10.Mehaboopatcha

11.The District Registrar

Vasakar Salai

Dindigul

Dindigul District

12.The Sub Registrar

Nagal Naickenpatti

Bodinaickenpatti

Dindigul

Dindigul District

13.The Special Deputy Collector (Stamps)

Collector Office

Madurai

14.The Special Tasildhar (Stamps)

Taluk Office

Dindigul, Dindigul District

15.Rajammal

....Respondents

(As no relief is claimed against 3 to 15th respondents,
notice is given up)

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to allow this civil revision petition and thereby set aside the fair and decreetal order dated 08.02.2019 in I.A.No.1993 of 2018 in O.S.No.73 of 2015 made on the file of the Principal District Munsif Court, Dindigul.



WEB COPY



C.R.P.(MD).No.1656 of 2019

For Petitioner : Mr.B.Rajesh Saravanan
For R1 & R 2 : Mr.Mohammed Zamil
For M/s.Ajmal Associates
For R3 to R15 : Given up

ORDER

The 11th defendant in the suit is the revision petitioner herein. The respondents 1 and 2 herein as plaintiffs had filed O.S.No.73 of 2015 on the file of the Principal District Munsif Court, Dindigul for the relief of declaration of title and permanent injunction and for other reliefs.

2.The 11th defendant had filed a written statement on 04.09.2015 disputing the averments in the plaint. However, there is no pleading challenging the valuation of the suit or payment of stamp duty. The issues in the said suit were framed on 11.08.2017. The chief examination of PW1 was completed on 11.09.2017. Defendant 12 to 16 have completed their cross examination of PW1 on 24.10.2018. The 11th defendant had filed I.A.No.1993 of 2018 on 03.11.2018 under Section 12(2) of Tamil Nadu Court Fees and Suits Valuation Act to determine the value of the suit and



C.R.P.(MD).No.1656 of 2019

for payment of Court fee. The 11th defendant had contended that the suit properties have not been valued properly and therefore, the Court fee paid is not proper.

3.The plaintiffs have filed a detailed counter contending that they have properly valued the property and they have paid the correct Court fee. They have further contended that at the time of framing of issues, the defendants have not raised any preliminary issue challenging the valuation or payment of Court fee. Further, they have contended that after the trial has begun, such an application is not maintainable.

4.After considering the submissions made on either side, the trial Court has arrived at a finding that any question relating to the valuation of suit or payment of Court fee touching upon the pecuniary jurisdiction of the Court, ought to have raised before the Court at the earliest, particularly at least before framing of issues. Based upon the said finding, the trial Court had dismissed the said application. Challenging the same, the present Civil Revision Petition has been filed.



C.R.P.(MD).No.1656 of 2019

5.The learned counsel appearing for the revision petitioner had contended that on the date when the application was filed, only the chief examination of PW1 was completed, but the 11th defendant was yet to cross examine PW1. It cannot be construed that the trial has become. It is not necessary to raise the dispute relating to the Court fee before framing of issue. Hence, he prayed for allowing the revision petition.

6.Per contra, the learned counsel appearing for the respondents relying upon the dates and events and contended that the application having been filed belatedly is not maintainable, in view of the bar under Section 12(2) of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.

7.I have carefully considered the submissions made on either side and perused the material records.

8.A careful perusal of the written statement filed by the 11th defendant on 04.09.2015 reveals that the defendant has not raised any objection with regard to the valuation of suit, payment of Court fee or with regard to the pecuniary jurisdiction of the trial Court. After framing of issues and after cross examination of PW1 by the defendants 12 to 16, the present application has been filed.



C.R.P.(MD).No.1656 of 2019

9.The petitioner had filed additional typed set of papers enclosing the cross examination of PW1 by the 11th defendant pending revision. A perusal of the said cross examination also reveals that no authoritative question has been raised with regard to the valuation of the suit or pecuniary jurisdiction of the Court. Therefore, it is clear that an attempt has been made only to drag on the proceedings.

10.The trial Court after careful analysis of the factual and legal aspects, had rightly dismissed the said application. There are no merits in this Civil Revision Petition and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa



C.R.P.(MD).No.1656 of 2019

WEB COPY

To

1. The Principal District Munsif
Dindigul.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD).No.1656 of 2019

R.VIJAYAKUMAR, J

msa

Pre-delivery order made in
C.R.P.(MD).No.1656 of 2019
and
CMP(MD).No.8598 of 2019

17.04.2024