



C.R.P.(MD).No.1986 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.03.2024

DELIVERED ON : 04.06.2024

CORAM

THE HON'BLE MR. JUSTICE G.ILANGO VAN

C.R.P.(MD).No.1986 of 2022

and C.M.P.(MD).No.9123 of 2022

Indigo Paints Ltd.,
Plot No.4A(3) SIPCOT,
Pudukkottai.

... Petitioner/Petitioner/1st Defendant

Vs.

1.Marimuthu
2.Shanmugam
3.Chinnamani

... 1 to 3 Respondents/1 to 3 Respondents/
Plaintiffs

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.4 of 2021 in O.S.No.199 of 2021 on the file of the Sub Court, Keeranur, dated 07.07.2022.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.M.Suresh for R1 to R3
No Appearance for R4



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ORDER

This civil revision petition has been filed to set aside the order passed in I.A.No.4 of 2021 in O.S.No.199 of 2021 on the file of the Sub Court, Keeranur, dated 07.07.2022.

2.The facts in brief:

Suit in O.S.No.30 of 2021 has filed by the respondent herein before the Sub Court, Pudukkottai, seeking the relief of declaration that suit property absolutely belongs to him and for consequential injunction and declaration that the document dated 07.10.2020 is not valid under law. Now it is pending before the Sub Court, Keeranur as O.S.No.199 of 2021. The defendant namely the revision petitioner entered appearance and filed the statement.

3.Pending the further process I.A.No.4 of 2021 is taken out by the revision petitioner to reject the plaint, which was dismissed by the trial Court by the order dated 07.07.2022. Against the dismissal order, this revision is preferred.



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4.For better appreciation, let me briefly state the plaint averments.

Suit property was originally declared as inam lands during the Inam abolition proceedings. Patta was about to be issued in favour of plaintiff's father. Pending the proceedings, the father of the plaintiff died. Now steps are being taken by them to get a patta. On 04.01.2021, when the plaintiffs were draining the rain water, the defendants interfered and made objection stating that the second defendant is having patta for the property purchased from one Nachammal. He sold the first item in favour of first defendant on 06.10.2020. According to the plaintiffs, the sale deed itself is not valid under law. So they sought the above said reliefs.

5.For declaration and permanent injunction relief they valued the suit under Section 25(b) of the Tamil Nadu Court Fees and Suit Valuation Act, at the rate of Rs.1,50,741.25 per cent and for declaratory relief of document, dated 06.10.2020, it was valued at Rs.5,000/- as notional value.

6.Now challenging the valuation, objection was filed stating that he purchased the first item of the property for a sum of Rs.2,28,86,000/-;



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Now the suit is under valued. Apart from that he has also stated that cause of action is not clearly stated in the plaint.

7.That was resisted by the respondent. The trial Court recorded a finding that the suit property was properly valued and proper court fee was paid. Apart from that it is also stated that the plaintiff is not the party to the document under dispute. There is no necessity that he must pay the court fee as mentioned in the document, and there is cause of action for the suit.

8.Heard both sides.

10.This revision is preferred on the ground that it is a clear case of under valuation of the suit properties. The plaintiff did not disclose the proper cause of action, etc.

11.Regarding the valuation of the plaint, I am of the considered view that it is an issue between the court and the plaintiff, in which, the defendants did not have any say, even though they got every right to



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bring on correct particulars regarding the valuation at the time of trial.

But, filing application for rejection of plaint on that ground is not proper without any basis. Not only that against the finding no revision will lie at the instance of the defendants. During the course of trial, the trial Court can frame proper issue as to the valuation and record finding. If any deficiency is noticed then the trial Court may direct the plaintiff to pay proper court fee. Such a course is always available to the trial Court. So now it is too a premature stage to record any finding on that aspect.

12.But, *prima facie* it is seen that a proper calculation was made in the plaint while calculating the market value. As stated above, it is too a premature stage.

13.Moreover, as to the point of absence of cause of action, I find absolutely no merit. As stated by the trial Court cause of action will refer to the bundle of facts. Whether the property belongs to the plaintiff's father or to the second defendants are all matters for consideration by the trial Court on the evidence and merits. *Prima facie* it is seen that there is cause of action for the suit. Whether the documents produced by the



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plaintiffs are all relevant for the issue, is beyond the jurisdiction of the court to record a finding. It is also too a premature stage. So I find that the revision preferred by the first defendant is not entertainable. Now accordingly, the order passed by the trial Court requires no interference. This revision fails

14.Accordingly, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2024

Index : Yes/No
Internet : Yes/No
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To

- 1.The Subordinate Judge, Keeranur.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN,J.

TM

PRE-DEIVERY ORDER MADE IN

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04.06.2024