



C.R.P.(MD)No.2461 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2461 of 2024

1.M.Sonaimuthu

2.M.Muthu Nayagam

... Petitioners / Plaintiffs

Vs.

1.Arulmigu.Kallalagarwamy Deity,
Represented by its Executive Officer,
Arulmigu,Kallalagar Thirukovil,
Alagarkovil, Madurai District,
Madurai.

2.The Deputy Commissioner,
Hindu Religious and Charitable Endowment,
Ellise Nagar Road, Ellise Nagar, Madurai.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Ellise Nagar Road, Ellise Nagar, Madurai.

4.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungampakkam High Court,
Chennai.

... Respondents / Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order in O.S.SR.No.1575 of 2024 dated 30-09-2024 on the file of District Munsif Court, Madurai Court, Madurai Taluk.



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For Petitioners : Mr.S.Ramesh

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ORDER

Heard the learned counsel for the revision petitioners.

2.The revision petitioners filed unnumbered suit before the District Munsif Court, Madurai Taluk. The Court below declined to number the suit on the ground that the petitioner has not paid court fee on the market value. Questioning the said return made by the Court below, this civil revision petition has been filed.

3.The issue raised in this civil revision petition is no longer *res integra*. Vide order dated 13.08.2024 in C.R.P.(MD)No.1891 of 2024, I had held that the assessment made by the plaintiff has to be accepted by the Court and that the Court shall not probe the matter at the stage of numbering. Section 7 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 reads as under:-

“7.Determination of market-value.- (1) Save as otherwise provided, where the fee payable under this Act depends on the market-value of any property, such value shall be determined as on the date of presentation of



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the plaint. Explanation - For the purpose of this section. "market-value" means the market-value fixed under Section 47-AA of the Indian Stamp Act. 1899 (Central Act II of 1899):

Provided that in cases where the plaintiff assesses the value of the immovable property at a lesser amount than the market value, he shall give adequate reasons as to why the market value fixed under Section 47 AA of the Indian Stamp Act, 1899 (Central Act II of 1899) does not represent the real market value of that immovable property

(2) The assessment made by the plaintiff shall be accepted by the Court at the initial stage of numbering the suit, subject to objection that may be raised by the other party to the litigation."

4.What the plaintiff has to do is to mention the market value of the property and give his reasons as to why his valuation is not in accordance with the market value. The Court below shall not go into the adequacy of the reasons assigned by the plaintiff.

5.In this view of the matter, the impugned docket order is set aside. The Registry is directed to return the original plaint to the learned counsel for the revision petitioners. The revision petitioners are at liberty to re-present the same before the Court below. The plaintiff shall go by the direction given vide order dated 13.08.2024 in C.R.P.(MD)No.1891 of 2024. The Court below shall



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accept the plaintiff's assessment and number the suit subject to fulfilment of other usual formalities.

6.The civil revision petition is allowed accordingly. No costs.

04.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The District Munsif Court,
Madurai Taluk.



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G.R.SWAMINATHAN, J.

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