



C.R.P.No.920 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :17.06.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

CRP No.920 of 2025 and CMP No.5315 of 2025

1.Venkattammal
2.Muthulakshmi
3.T.S.Sampooranam
4.Ramakrishnan

... Petitioners

VS

1.P.Malaichamy
2.Somasundaram
3.Dhanapal
4.Sunnath Jamath
Rep by its Muthavalli,
Anthiyur, Anthiyur Taluk,
Erode Dist

... Respondents

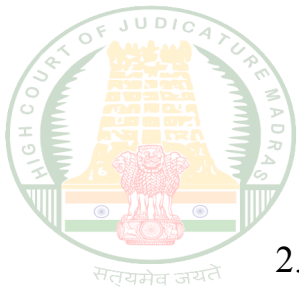
Civil Revision Petition filed under Section 227 of Civil Procedure Code against the order dated 06.01.2025 made in O.S.No.213 of 2019 on the file of District Munsif Court, Anthiyur..

For Petitioner : Mr.S.Lakshmanasamy

For Respondents : Mr.S.Kaithamalai Kumaran

ORDER

The revision petition is at the instance of the defendants 1 to 4, challenging the Diary Order dated 06.01.2025 made in O.S.No.213 of 2019 on the file of District Munsif Court, Anthiyur.



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2. Heard Mr.S.Lakshnamanasamy, learned counsel for the revision petitioners and Mr.S.Kaithamalai Kumaran, learned counsel for the respondents.

3. Learned counsel for the petitioners would invite my attention to the order passed by the trial Court in I.A.No.2 of 2023, which was taken out by the revision petitioners/defendants 1 to 4, seeking the issue of pecuniary jurisdiction being tried as preliminary issue.

4. The trial court, in and by order, dated 15.03.2024, allowed the said application. However, subsequently, it is seen from the impugned diary order dated 06.01.2025 that the trial court has stated that the issue regarding payment of court fee cannot be decided in view of the dictum laid down by this Court in *S.N.S.Sukumaran Vs C.Thangamuthu* reported in **2012(5) CTC 705**. The trial Court noticing that the trial has already commenced, refused to decide the pecuniary jurisdiction as a preliminary issue. Aggrieved by the said diary order, the defendants 1 to 4 have preferred the present revision.

5. Admittedly, the trial Court entertained I.A.No.2 of 2023 and after conducting due enquiry has held that the issue of pecuniary jurisdiction will



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have to be necessarily tried as a preliminary issue as it goes to the very root of the jurisdiction of the Court to try the suit. Having passed such an order on 15.03.2024, without referring to the said order and admittedly the said order not being challenged by the plaintiffs or being modified by any higher court, the trial Court ought not to have virtually modified the considered order passed in I.A.No.2 of 2023 by refusing to try the issue of court fee as preliminary issue. I am unable to sustain the diary order refusing to decide the pecuniary jurisdiction as a preliminary issue on the ground that the trial was already commenced.

6. In view of the above, I am inclined to set aside the Diary order passed in O.S.No.213 of 2019 dated 06.01.2025.

7. In the result, the Civil Revision Petition is allowed and the Diary Order dated 06.01.2025 made in O.S.No.213 of 2019 passed by the District Munsif, Anthiyur is set aside.

P.B.BALAJI.,J.

SR



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8. The District Munsif, Anthiyur is directed to complete the proceedings in I.A.No.2 of 2023 and pass orders within a period of thirty (30) days from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

17.06.2025

sr

Index:yes/no

Website:yes/no

Speaking order/Non-speaking order

To

The District Munsif Court, Anthiyur.

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