



WEB COPY

CRP(PD).No.1444 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.1444 of 2025

and

C.M.P.No.8521 of 2025

1.Munusamy
2.Subramani

... Petitioners

Vs.

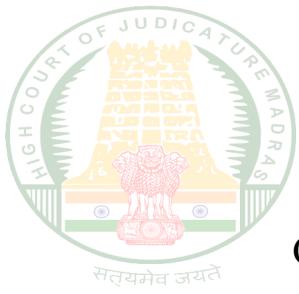
1. Anbalagan

2.Kasi

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 18.08.2023 in IA.No.1 of 2022 in OS.No.159 of 2020 on the file of the Subordinate Judge, Chengam and reject the plaint filed by the respondent.

For Petitioner : M/s.M.Malar

**ORDER**

Challenging the order passed by the Sub Court, Chengam in

IA.No. 1 of 2022 in OS.No.159 of 2020 in and by which the application for rejecting the plaint has been dismissed, the defendants 1 and 2 are the petitioners before this Court.

2. The respondents/plaintiffs had filed a suit against the petitioners/defendants and one Punnusamy who is the younger brother of the 1st petitioner and junior paternal uncle of the 2nd petitioner for a declaration of title and consequential relief of permanent injunction. The suit is based on a sale deed dated 08.01.2007 said to have been executed by one Muthu in their favour. Since the respondents/plaintiffs have chosen to value the property on the basis of the value given in the sale deed of the year 2007 while instituting the suit in the year 2018, the petitioners/defendants 1 and 2 have come forward with the application to reject the plaint as being under valued.

3. They had filed the said application only after taking into account the report filed by the Advocate Commissioner who has described the property as consisting of a large number of coconut trees, Teak trees, Neem trees, Palm trees, Banyan trees whose value



alone would be over a sum of Rs.40,00,000/-. The land by itself would be over a sum of Rs.7,00,000/-. Therefore, the petitioners/defendants 1 and 2 have come forward with the application to reject the plaint on the ground that the same has been under valued and that if the plaint has been properly valued, the Sub Court at Chengam would not have the jurisdiction to consider the same.

4. The said application was resisted by the respondents/plaintiffs by contending that the plaint cannot be rejected on the ground of under valuation since it is always been open to the plaintiffs to pay the additional Court fee as and when the Court orders such payment.

5. The learned Trial Judge after considering the language of Order 7 Rule 11(b) of CPC and taking into consideration the payment of the deficit Court fee by the respondents/plaintiffs, had proceeded to dismiss the application. Challenging the same, the petitioners are before this Court.

6. The learned counsel for the petitioners would argue that the



properties and usufructs thereupon are over a sum of Rs.75.00.000/-

and it is only the land which is valued at Rs.7,03,500/-. He would submit that the Trial Court has failed to take note of the usufructs, which are also to be added to the value of the suit property and this erroneous approach has resulted in an erroneous order.

7. Heard the learned counsel for the petitioners and perused the records.

8. The application has been filed invoking the provisions of Order 7 Rule 11 (b) of the CPC which reads as follows:-

“where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;”

9. A perusal of the same would clearly indicate that once the additional Court fee as demanded is paid, the plaint cannot be rejected. From a reading of the impugned order, it is seen that the respondents/plaintiffs had been issued with a check slip to pay the deficit Court fee and they had also made good the Court fees



thereafter. Therefore, the ground for rejecting the plaint did not exist, and the Court below has rightly dismissed the application. I see no reason to interfere with the same.

10. Accordingly, the Civil Revision Petition stands dismissed.

No costs. Consequently, the connected Miscellaneous Petition is closed.

08.04.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Subordinate Judge, Chengam.

P.T. ASHA. J.,

(shr)



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