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C.R.P. NO.1990 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM :

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

C.R.P.No.1990 of 2023

1.S.Raghu @ Babu

2.S.Murali

3.S.Devan

4.S.Arul

5.S.Seeralan @ Vasanth

6.S.Suresh

7.Mrs.Santhi

8.Mrs.S.Gayathri

9.M.Deenadayalan

...Petitioners/Plaintiffs

Vs

1.Mrs.M.Sundari

2.Mrs.Sumathi

3.Mrs.Vasanthi

4.Mrs.Malathi

5.D.Paulraj

6.D.Baghyaraj

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7.M.Sekar

...Respondents/Defendants

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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set aside the Docket Order dated March 17, 2023 made in Un O.S.SR.No.516 of 2023 on the file of the Hon'ble District Munsif Court, Ponneri and consequently direct the Trial Court to entertain the Suit Plaint, take the same on file and dispose of the same in accordance with law.

For Petitioners : Mr.R.Munusamy
for Mr.V. Surya Sankar

For Respondents-1 to 3 : Served - No appearance

For Respondents- 5 & 6 : Mr.R.Krishnan
No appearance

For Respondent-7 : Mr.G.Vivekanandan

ORDER

This Civil Revision Petition has been filed praying to set aside the Docket Order dated March 17, 2023 made in Un OS.SR.No. 516 of 2023 on the file of 'the District Munsif Court, Ponneri' ['Trial Court' for short].

2. The Revision Petitioners herein, who are the Plaintiffs, had presented the plaint on 8th February 2023 before the Trial Court vide Un OS.SR.No.516 of 2023 arraying the Respondents herein as Defendants, seeking the following prayer:

a) for declaration, declaring the oral family arrangement and

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partition held on 12.11.1984 among M.Selvaraj, M.Dhanavel, M.Sekar, M.Deenadayalan in respect of the Suit Schedule Properties (A, B, C & D) legally valid, enforceable and binding on the Plaintiffs and the Defendants.

b) for permanent injunction restraining the defendants, their men, agents and subordinates or any one claiming through them from and in any manner interfering and disturbing with the peaceful possession and enjoyment of the Plaintiffs 1 to 8 in respect of the Suit A- Schedule Property;

c) for permanent injunction restraining the Defendants, their men, agents subordinates or any one claiming through them and in any manner interfering and disturbing with the peaceful possession and enjoyment of the 9th Plaintiff in respect of the Suit B-Schedule Property.

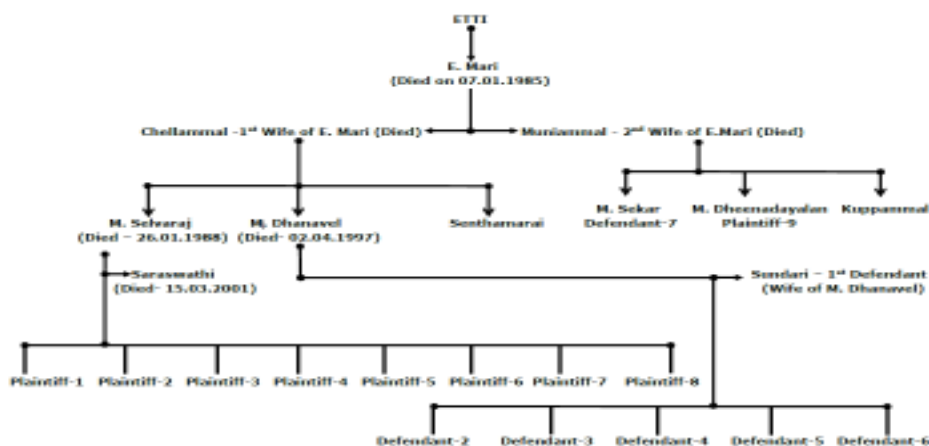
3. The Trial Court vide the Order under challenge, directed the plaintiff under Order VII Rule 11 (b) of CPC to value the Suit prayer (a) under Section 25(b) of the 'Tamil Nadu Court-Fees and Suits Valuation Act, 1955' (hereinafter referred to as 'TNCF Act') and to make payment of Correct Court Fee on or before April 12, 2023. According to the Trial



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Court, the plaintiffs seek declaration that oral family arrangement and partition are valid vide plaint prayer (a), which would tantamount to a declaration of title in respect of the Suit Schedule of Properties which are immovable properties. Assailing the Order of the Trial Court, the plaintiffs have come up with this Civil Revision Petition.

4. This Court has perused the plaint and the averments therein. The following genealogy tree would show the relationship between the parties.



5. The case of the Plaintiffs is that one E.Mari was the kartha of the Hindu Joint Family. E.Mari and his sons jointly developed the family properties from and out of the income derived from the agricultural activities and also the income derived from the employment of M.Selvaraj in Ashok Leyland. The income earned by family members, both independently as well as jointly, were put in common hotchpot and



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utilized for the welfare and wellbeing of the joint family and all the joint family members. Out of the joint family funds, E.Mari performed the marriage of his daughters, Senthamarai and Kuppammal, in 1960s' and provided them with sufficient Sridhana. They are living with their respective families and therefore, have no claim in respect of the joint family properties. Both the wives of E.Mari pre-deceased him as early as in 1970. In the year 1984, an oral family arrangement took place between the family members and the properties were allotted to E.Mari's sons. As per the oral family arrangement, A-Schedule Properties were allotted to M.Selvaraj, B-Schedule Properties were allotted to M.Dhanavel, C-Schedule Properties were allotted to M.Sekar and D-Schedule Properties were allotted to M.Deenadayalan. While so, E.Mari did not take any share in the landed properties. Further case of the plaintiffs is that, pursuant to the oral family arrangement, the parties individually dealt with the properties. Thereafter, some dispute arose between the plaintiffs and the defendants and hence, the plaintiffs filed a Suit for declaration, declaring the oral family arrangement and partition held on November 12, 1984 among M.Dhanavel, M.Selvaraj, M.Sekar and M.Deenadayalan in respect of the Suit Properties as valid, enforceable and binding on the Plaintiffs and the Defendants and also for permanent injunction restraining the Defendants from in any manner interfering and disturbing the peaceful

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possession and enjoyment of the plaintiffs 1 to 8 in respect of A Schedule Properties, which were allotted to M.Selvaraj.

6. The plaintiffs valued the plaint prayer (a) under Section 25 (d) of the TNCF Act. This Court is of the *prima facie* view that the valuation of plaint prayer (a) under Section 25 (d) of the TNCF Act is correct. The Trial Court was of the view that the plaint prayer (a) tantamount to seeking declaration in respect of Suit Properties and hence, the plaintiffs ought to have valued the Suit under Section 25 (b) of the TNCF Act. This Court is of the considered view that there is no sufficient materials available on record to arrive at a conclusion that plaint prayer (a) has not been properly valued. In other words, there is no material available on record to invoke Section 12(1) of TNCF Act. This Court is of the view that even before numbering the plaint, merely on bare reading of the plaint prayer, it is unsafe to come to such conclusions. Such conclusions cannot be arrived at the threshold itself. Hence, this Court concludes that the Trial Court's approach is not justifiable in the facts and circumstances of this case and the Order under challenge shall be set aside. Accordingly, the Docket Order dated March 17, 2023 made in Un O.S.SR.No.516 of 2023 by the Trial Court is set aside. The Trial Court shall take the plaint on file, number the same if it is otherwise in order and decide the question of



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Court Fee at the time of first hearing under Order X of the Code of Civil Procedure, 1908 or on the Application, if any filed by the Defendants under Section 12 (2) & (3) of the TNCF Act, as the case may be.

7.In fine, this Civil Revision Petition is allowed. Considering the facts and circumstances of the case, there shall be no order as to costs.

09-12-2025

Pvs/tk
Index:Yes
Speaking
Internet:Yes
Neutral Citation:Yes

R.SAKTHIVEL, J.

pvs/tk

To
The District Munsif Court, Ponneri.

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