



WEB COPY

A No. 5092 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2025

CORAM

THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

A No. 5092 of 2022

in

CS No. 228 of 2022

J.Thenmozhi.,  
W/o Late A. Joseph, Door No.7, Old No.4, 7th St, Gopalapuram,  
Chennai - 86. and 3 Others

Applicant(s)

Vs

A.Michael  
S/o.Late M.S.Arulanandam, No.54, Cathedral Road, Chennai 86.  
and 3 Others

Respondent(s)

**For Applicant(s):**

M/s.P.Sidharthan  
R.Hemalanini

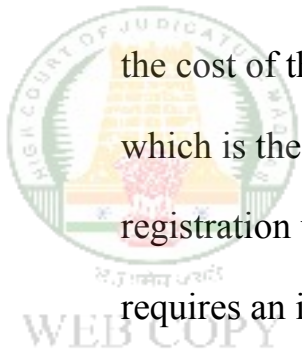
**For Respondent(s):**

Mr.S.L.Sudarsanam

### **ORDER**

This application is filed by the applicants/defendants 1 to 4 to take the issue "whether the plaintiffs paid the proper court fees in the plaint " as preliminary issue.

2. The learned counsel for the applicants/defendants 1 to 4 submitted that the market value or the guide line value as on date of filing the above plaint is Rs.8710 per sq.ft. which as per calculation will be near about Rs.3,24,88,300/-, this apart the value of the building is also to be taken into account which may come above 4.5 crores and hence



the cost of the schedule property for 1 ground and 1330 sqft. along with the build which is the subject matter will be much more than 4.5 crores even as per the registration value. To arrive into the appropriate value in respect of the property it

requires an investigation regarding the correct valuation of the property so that the question of the court fees is to be decided before evidence is recorded in the case as per Section 12(2) of the Tamilnadu Court Fees and Suits Valuation Act. This Court has to decide the court fees paid as the preliminary issue as per Section 12(2) of the Tamil Nadu Court Fees Act. If the above issue is not decided as preliminary issue, the applicants will be deeply prejudiced, whereas no prejudice will be caused to the respondents in the event of this application getting allowed.

3. The learned counsel for the respondents/plaintiffs submitted that as per the plaint document No.1, settlement deed dated 06.02.2013 executed by A.Jesudass in favour of his elder brother, the 1st plaintiff Michael herein, the market value of the property is Rs.10,00,000/- and, the question of the court fees is to be decided at the time of passing preliminary decree. If this application is allowed, great prejudice would be caused to the respondent/plaintiff.

4. In the plaint document No.1, settlement deed dated 06.02.2013, it is mentioned that the market value of the property is Rs.10,00,000/-. Regarding the question of court fees, issues has to be framed and then only it has to be decided.

5. With the above observation, this application is disposed of.

**13-02-2025**

uma (2/2)



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