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CRP.No.4396 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4396 of 2025

and

CMP.No.22492 of 2025

B.Krishnakumar

... Petitioner / Petitioner / Defendant

Versus

S.L.Palanisamy (Died)

1. S.L.Saravanankumar

2. S.P.Kannan

... Respondents / Respondents / Plaintiffs

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 21.06.2025 in I.A.No.5 of 2024 in O.S.No.277 of 2007 on the file of the District Munsif, mettupalayam.

For Petitioner : Mr.PA.Saigovindaraja

For Respondents : Mr.S.S.Rajmakesh

ORDER

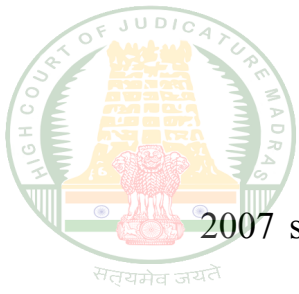
Unsuccessful defendant has preferred the present Civil Revision Petition.

2. The suit in O.S.No.277 of 2007 was filed seeking a direction to the



defendant and his men to vacate the suit property and to direct the defendant to pay the costs of the suit to the plaintiff. The defendant filed a written statement, and necessary issues were framed. The trial commenced, and evidence on both sides was completed. The matter was posted for arguments. At this stage, the defendant filed an application in I.A.No.5 of 2024 under Order VII Rule 11 of the CPC seeking rejection of the plaint in O.S.No.277 of 2007. Upon hearing either side, the Court below dismissed the application on the ground that the issue of Court fee had been undervalued, observing that the suit property being agricultural land was valued under 30 times of the valuation in the kist and if the Court fee is undervalued, the Court has to direct the plaintiff to pay sufficient Court fee within time and if plaintiff failed to pay then the plaint can be dismissed. The Court also found that the defendant was not willing to produce any evidence regarding the valuation of the suit property. Aggrieved over the same, the revision petitioner has filed the present Civil Revision Petition.

3. The learned counsel appearing for the revision petitioner would submit that the Court below ought to have held that the suit in O.S.No.277 of



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2007 should be valued under Section 30 of the Tamil Nadu Court Fee and Suits Valuation Act, and not under Section 50 (ii) of Tamil Nadu Court Fee and Suits Valuation Act. Further, the Court below ought to have held that the suit in O.S.No.277 of 2007, seeking a direction against the petitioner / defendant to vacate the suit property, should be valued under Section 30 of the Tamil Nadu Court Fee and Suits Valuation Act, as it would squarely apply to a suit for possession not otherwise provided for. To strengthen his contention, the learned counsel appearing for the revision petitioner relied upon the judgment of this Court reported in **2010 (2) CTC 502 P.S.Karunakaran and another Vs. Madras Race Club, Rep. by Ms.Aruna, Officer - in Charge (Legal), Guindy, Chennai - 600 032**, as well as the Judgment of this Court in **CRP.(PD).No.2983 of 2021 and CMP.No.21292 of 2021 dated 04.01.2022**.

4. Per contra, the learned counsel for the respondent / plaintiff would submit that the defendant took the plea of limitation, contending that the sale agreement was entered into in the year 1997 and that, in pursuance of the sale agreement, the suit property was handed over to the defendant. However, the suit seeking to vacate the suit property was filed only in the year 2007.



The limitation period is 3 years. The respondent / plaintiff, on the other hand, stated in the plaint that the suit property is agricultural land and that the petitioner had cultivated crops thereon during the relevant period. All these aspects involve mixed questions of law and fact, which cannot be decided at the threshold without a proper trial, and the Court below has rightly dismissed the application.

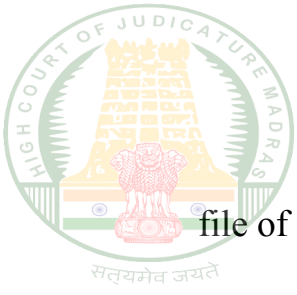
5. It is seen from the records that the suit is filed for seeking to vacate the suit property. According to the revision petitioner / defendant, the plaintiff has paid the Court Fee of Rs.100/- under Section 50 (ii) of the Tamil Nadu Court Fees and Suit Valuation Act, Section 50 of the Act provides valuation for suits not otherwise provided for in the Act. However, the suit is filed for seeking a mandatory injunction directing the defendant to vacate the suit property and the valuation for the same would squarely fall under Section 30 of the Act. It is also contented that right to sue accrued for the plaintiff in the year 1997 itself, but however, the plaintiff filed the suit only in the year 2007, beyond the limitation period. The defendant filed a suit in O.S.No.176/2003, for the relief of permanent injunction and the same was decreed on 17.03.2001, and this would show that the defendant never handed



over the possession on 9.03.2006 to the plaintiff, as falsely claimed by the plaintiff. The suit has already reached the stage where the evidence on both sides has been completed, and the matter was posted for arguments. At this stage, the application came to be filed. If there is any valid objections, it is open to the revision petitioner to argue the case before the Court below.

6. In order to arrive at such a conclusion, this Court finds support from the Judgment of this Court in ***Kalavalli vs.P.Sundaraj and another***, reported in **(2011) 4 CTC 536**, wherein it has been held that as per Order VII Rule 11(b) C.P.C. what the relief claimed in a suit 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, the plaint could be rejected. however, without providing time to pay the deficit Court fee the Court below could not have rejected the plaint. in such circumstances, the impugned order has to be set aside on the ground of violation of mandatory provision under Order 7 Rule 11(b) of the code to meet the ends of justice.

7. In view of the above, there is no reason to interfere with the order passed in I.A.No.5 of 2024 in OS.No.277 of 2007, dated 21.06.2025 on the



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file of the learned District Munsif, Mettupalayam.

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8. Accordingly, this Civil Revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

15.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned District Munsif, Mettupalayam.

M. JOTHIRAMAN, J.

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