



CRP No.4503 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**CRP No.4503 of 2025
and CMP No.22902 of 2025**

Rajam
D/o.Late Subramaniya Gurukkal,
W/o.Viswanathan,
Theerthamalai Post and Village,
Harur Taluk, Dharmapuri District.

Petitioner(s)/Plaintiff(s)

Vs

1.Nagaiyan
S/o.Late Subramaniya Gurukkal
Theerthamalai Post and Village,
Harur Taluk, Dharmapuri District.

2.Maragatham
W/o.Dhandapani Sivam,
Periapatti Post and Village,
Harur Taluk, Dharmapuri District.

3.Saraswathi
W/o.Ravichandran Nasiyanur,
Naduveethi Village and Post,
Erode R.M.S. Erode District.

4.Padmavathi
W/o.Veeramani Naal Road
Near Murugan Rice Mill, Harur Taluk,
Harur Town Dharmapuri District.



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Respondent(s)/Defendant(s)

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Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 18.08.2025 passed in Memo C.F.R.No.1236 of 2025 in O.S.No.30 of 2013 on the file of the District Munsif Court, Harur.

For Petitioner(s): Mr.T.Murugamanickam, Senior Advocate
for M/s.D.Sathya

ORDER

Challenging the order dated 18.08.2025 passed in Memo C.F.R.No.1236 of 2025 in O.S.No.30 of 2013 on the file of the District Munsif Court, Harur, the revision petitioner/plaintiff has preferred the present civil revision petition.

2. The revision petitioner/plaintiff has filed a suit in O.S.No.30 of 2013 on the file of the District Munsif Court, Harur, for partition. After hearing the arguments, judgment was reserved on 28.07.2025. Thereafter, the Court below, *vide* order dated 07.08.2025, has observed as follows:

“suo motu re-opened by the Court. The perusal of Ex.B9 and Ex.XI, guideline value certificates issued by the Registration Department, this Court finds that the suit properties value exceeds its pecuniary jurisdiction. The land in Survey No.6/2 is valued at Rs.3,50,000/- per acre, and Survey Nos.16/16 and 16/8



(renumbered as 16/1) at Rs.225/- per sq.ft., bringing the total to Rs.16,91,953.35/-. The plaintiffs 1/5th share is valued at Rs.3,38,390.67/-. While she has shown it as Rs.95,000/-, which grossly undervalued. Accordingly, the plaint is returned under Order VII Rule 10 CPC for presentation before the proper jurisdictional Court. - Returned.”

3. Thereafter, the revision petitioner/plaintiff filed a memo dated 11.08.2025 seeking to reopen the suit and an opportunity to be given to the revision petitioner/plaintiff to represent regarding the queries mentioned in the return order. The Court below returned the memo *vide* order dated 18.08.2025 with the following endorsement:

“The Court finds that the suit filed by the plaintiff exceeds jurisdiction. Hence, the Court lacks jurisdiction to hear the case. Hence, this plaint was returned. This memo is returned.”

4. It is seen from the records that the above suit has been *suo motu* reopened by the trial Court on 07.08.2025 and the same was returned without giving an opportunity to the revision petitioner/plaintiff to clarify regarding the queries mentioned in the order. There was no opportunity given to the learned counsel for the revision petitioner/plaintiff in the open Court to argue on the queries and the same is not sustainable in law.



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5. In such view of the matter, the order dated 18.08.2025 passed in Memo C.F.R.No.1236 of 2025 in O.S.No.30 of 2013 on the file of the District Munsif Court, Harur, is set aside. The Court below is directed to give an opportunity to the learned counsel appearing for the revision petitioner/plaintiff to clarify the queries, if any raised by the Court below, in the open Court and to argue on the same.

With the above directions, this civil revision petition stands disposed of.
No costs. Connected C.M.P. is closed.

19-09-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
nsd



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To

The District Munsif,
Harur.



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M.JOTHIRAMAN J.

nsd

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