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CRP No. 6432 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

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THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6432 of 2025 and
CMP.No.31815 of 2025**

V.Ramalingam

Petitioner

Vs

1. Sri.V.Periyar Brain
2.Sri.J.Justin

Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and final order passed in IA No.7 of 2024 in OS No.1547/2013 on the file of the III Additional Subordinate Judge, Coimbatore dated 19.08.2025.

For Petitioner(s): Mr.S.Mukunth,
Senior Counsel
for Mr.B.Kumarasamy

For Respondent(s): M/s.D.Kamatchi

ORDER

The civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner /1st defendant seeking decision on the question of pecuniary jurisdiction of the Court to entertain the plaint.



2. The 1st respondent/plaintiff filed a suit for declaration of his title and recovery of possession in respect of 600 Sq.feet of land. The 1st respondent purchased larger extent of property under sale deed dated 04.01.2011. According to the 1st respondent, a portion of the property sold by the 1st defendant was retained by him and he refused to vacate the same in spite of several request. Therefore, the instant suit was filed.

3. The 1st defendant, in the suit, disputed the valuation adopted by the plaintiff. However, he failed to file any separate application under Section 12(2) of Court Fees Act seeking decision of the said aspect. The trial in the suit was already commenced and the same is in the stage of P.W.1 cross. Now, the petitioner/1st defendant filed instant application seeking decision on the pecuniary jurisdiction of the Court to entertain the suit. The said application was filed under Order 15 Rule 3 of CPC. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel for the petitioner submitted that Trial Court, in the impugned order, has not given any finding with regard to the correctness or otherwise of valuation adopted by the plaintiff. Therefore, the same is liable to be set aside.

5. The learned counsel for the 1st respondent would submit that though the 1st respondent purchased larger extent under sale deed dated 04.01.2011, the suit has been laid only for lesser extent of 600 Sq.feet. It is further submitted that



the value of the property was mentioned as Rs.12,00,000/- in the sale deed in favour of 1st respondent. Since the suit is laid in respect of portion of the purchased property and that portion was valued at Rs.1,10,100/-, the valuation adopted by the 1st respondent/plaintiff cannot be faulted.

6. Though the petitioner objected to the valuation adopted by the plaintiff in his written statement, he has not filed any application under Section 12(2) of Court Fees Act seeking consideration of that point as preliminary issue.

7. Now, the trial in the suit and recording of evidence is commenced. Therefore, the issue cannot be taken up separately as preliminary issue.

8. Taking into consideration the controversy in the pleading with regard to the valuation, this Court directs the Trial Court to frame an additional issue with regard to the valuation and pecuniary jurisdiction of the court to entertain the suit. The parties are at liberty to lead further evidence on the said aspect also.

9. It is brought to the notice of this Court by the learned counsel for the respondent that in CRP.No.2190 of 2016, this Court already directed early disposal of the suit by fixing outer time limit at the rate of six months but inspite of the same, the suit has not been disposed of. Therefore, taking into consideration the suit was of the year 2013 and already a direction was given by this Court to dispose of the suit within a time frame, the Trial Court is directed to dispose of the suit as expeditiously as possible keeping in mind the time limit fixed in CRP.No.2190 of 2016.



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10. With this direction, the civil revision petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

17-12-2025

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

The III Additional Subordinate Judge, Coimbatore.



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