



C.R.P.No.6547 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**Dated : 18.12.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**C.R.P.No.6547 of 2025**

Valarmathi

... Petitioner

Vs.

1. M.Selvaraj

2. M.Vadivel

3. M.Banumathi

4. Sivakami

5. P.Manjari

6. R.Deivasikamani

7. Samiyathal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Docket Order made in O.S.CFR.No.1471 of 2025 dated 24.11.2025, on the file of the District Munsif cum Judicial Magistrate Court, Modakurichi and allow this Revision Petition with cost.



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For Petitioner : Mr.M.Venkadesh Kumar

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## **ORDER**

Heard the learned counsel for the petitioner and perused the materials available on record.

2. The petitioner is the plaintiff, who has filed a suit for declaration in O.S. No.CFR.No.1471 of 2025 before the District Munsif-cum-Judicial Magistrate, Modakurichi. The Trial Court has returned the plaint on the ground that the suit, insofar as it seeks the relief of declaration, is not maintainable. Despite representation, the Trial Court has not numbered the suit.

3. The learned counsel for the petitioner would submit that the valuation of the relief of declaration is well within the pecuniary jurisdiction of the District Munsif Court. He would further draw the attention of this Court to the valuation column in the plaint in this regard.



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4. Be that as it may, the Trial Court cannot question the valuation

as set out in the plaint. If there is any allegation of under-valuation or erroneous assumption of jurisdiction, it is for the defendant to raise such an issue. At the stage of numbering the suit, the Trial Court is only performing a ministerial function and cannot go into the merits of the plaint averments or undertake an adjudication on the allegations contained therein.

5. This position has been amply clarified by this Court in ***Selvaraj and Others vs. Koodankulam Nuclear Power Plant India Ltd.***, reported in **2021 (4) CTC 539**. In addition, the learned counsel for the petitioner relies on the order passed by this Court in C.R.P. No.4799 of 2023 dated 01.08.2025, wherein it has been held that when fraud is alleged, even in collateral proceedings, any Court whether subordinate or superior can grant a declaratory relief.

6. In the light of the above, I am inclined to set aside the return docket order dated 24.11.2025, and accordingly, the same stands set aside. The Registry is directed to return the original plaint within a period of one week from the date of uploading of a copy of this order, after

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obtaining necessary acknowledgement, so as to enable the petitioner to re-present the same before the Trial Court. Thereafter, the papers shall be re-presented before the District Munsif-cum-Judicial Magistrate, Modakurichi, within a period of two weeks. Upon such re-presentation, within a period of one week, the District Munsif-cum-Judicial Magistrate, Modakurichi shall number the suit and dispose of the same on merits and in accordance with law, after affording an opportunity hearing to the revision petitioners as well as the respondents.

7. Accordingly, this civil revision petition is allowed. No Costs.

**18.12.2025**

Index : Yes/No  
Neutral Citation : Yes/No  
Speaking/Non-Speaking Order  
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To

The District Munsif cum Judicial Magistrate Court,  
Modakurichi.



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**P.B.BALAJI, J.**

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