



C.R.P.(PD)(MD)No.899 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.899 of 2025

and

C.M.P(MD)No.4813 of 2025

N.Adaikkammai

... Revision Petitioner/Defendant

Vs.

K.Seethalakshmi

... Respondent / Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to struck off the plaint in O.S.No.49 of 2024 on the file of Sub Court Devakottai.

For Petitioner : M/s.S.Vijayashanthi

* * * * *

ORDER

The defendant in O.S.No.49 of 2024, on the file of the Sub Court, Devakottai, has filed the present revision petition to strike off the plaint primarily on the ground that the Sub Court, Devakottai, does not have any pecuniary jurisdiction to entertain the suit.



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2. According to the learned Counsel appearing for the revision petitioner, the plaintiff has undervalued the suit and has not paid proper Court fee. Such a defence has been raised in paragraph No.3 of the written statement and therefore, the plaint has to be rejected.

3. As per the Order 7 Rule 11(d) of C.P.C. where the relief claimed is undervalued and the plaintiff on being required by the Court to correct the valuation and pay deficit Court fee within the time to be fixed by the Court and if he fails to do so, the plaint can be rejected. In the present case, so far the Court has not decided whether the suit has been undervalued or not. Unless the Court calls upon the plaintiff to pay Court fee and if he fails to do so, the plaint cannot be rejected.

4. In case, if the defendant feels that the suit has been undervalued and proper Court fee has not been paid, the revision petitioner is at liberty to file an application under Section 12(2) of the Tamil Nadu Court Fees and Suit Valuation Act, 1955.



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5. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

20.03.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Sub Judge, Devakottai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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