



CRP(MD). No.3706 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 09/12/2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3706 of 2025

and

CMP(MD)No.19555 of 2025

1. Maywald,

2. Mercy,

... Petitioners/ Defendants

Vs

1. Esai,

2. Jaisingh

... Respondents / Plaintiffs

PRAYER :-

Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order in I.A. No. 240/2025 in O.S. 57/2024 dated 21.08.2025 on the file of the court of District Munsiff Sathankulam, Thoothukudi District and allow the above Civil Revision Petition.

For Petitioners : Mr. Ka.Raamakrishnan,
Advocate.

For Respondents : Mr.H.Arumugam for
Mr.N.Vignesh



CRP(MD). No.3706 of 2025

ORDER

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This Civil Revision Petition is filed to set aside the fair and decreetal order in I.A. No. 240/2025 in O.S. 57/2024 dated 21.08.2025 by the learned District Munsiff Sathankulam, Thoothukudi District.

2. Learned counsel for the petitioners submitted that the petitioners who are the defendants in the suit has filed an application under Order VII Rule 11 of CPC challenging the order passed by the trial Court, to reject the plaint. The trial Court has dismissed the said application stating that since the title is already adjudicated in favour of the respondent, the petitioners do not have any lawful right of occupation. The next contention raised by the petitioner is that there is a deficit of court fee with regard to the prayer sought in the plaint and therefore, on these two grounds the trial court ought to have considered the application.

3. Per contra, Mr.H.Arumugam, learned counsel appearing for the respondents contends that it is well within the ambit of the plaintiffs to choose the prayer of his own choice and to establish a case for a cause of



CRP(MD). No.3706 of 2025

action. It is for the trial court to examine and to evaluate the prayer which is sought by the plaintiff and if the trial Court comes to the conclusion that the plaintiffs have not made out a case in consonance with the prayer sought, ultimately the trial Court will dismiss the plaint. But that could not be a reason to reject the plaint.

4. Even if there is a deficit Court fee and the plaintiffs are entitled to file an application under Section 149 of CPC, to condone the delay and on making a *prima facie* satisfaction before the Court to evaluate the reasons for condonation of delay in paying deficit Court fee. The point for consideration is whether the plaintiffs constituted a *prima facie* case to take cognizance and to issue notice. Once a notice is issued, it is for the trial court to conduct the full-fledged trial.

5. Order VII Rule 11 which is extracted hereunder :

The plaint shall be rejected in the following cases:

(a) where it does not disclose a cause of action;

(b) where the relief claimed 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;



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CRP(MD). No.3706 of 2025

(c) where the relief claimed is properly valued, but the plaintiff is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

(e) where it is not filed in duplicate;

(f) where the plaintiff fails to comply with the provisions of Rule 9:

***Provided** that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.*

6. The learned counsel appearing for the revision petitioner has not pointed out the reasons for rejection of plaint, well within the provisions contemplated under Order VII Rule 11 of CPC, whereas the plea is only with regard to the deficit of court fee and for the cause of action with



CRP(MD). No.3706 of 2025

regard to the prayer. These are all matters for trial and therefore, the order passed by the trial court needs no interference. All the contentions are left open to the petitioner, who can avail it before the trial Court at the appropriate time.

7. With the above observation and liberty, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

09.12.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The District Munsiff Sathankulam, Thoothukudi District.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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CRP(MD). No.3706 of 2025

N.SENTHILKUMAR,J

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