



CRP(MD). No.3714 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/12/2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3714 of 2025

and

CMP(MD)No.19580 of 2025

Omana Thankachy (Died)

1.Dersini Venugopal

2. Deepthi Suresh,

3. Smrithi Giri,

4. Sruthi Giri

... Petitioners

Vs

Jayarajan (Died)

1.Anis

2. Aswin Jehos.H,

3. Ashmi Grace

... Respondents

PRAYER :-

Civil Revision Petition filed under Article 227 of Constitution of India, to call for records pertaining to the order and decretal order passed in I.A.No.07/2025 in O.S.No.364/2011 dated 06-08-2025 on the file of the Ist Additional District Munsif, Nagercoil and set aside the same.

For Petitioner : Mr. M.P. Hariprasad,
Advocate.



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ORDER

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This Civil Revision Petition is filed to call for records pertaining to the order and decretal order passed in I.A.No.07/2025 in O.S.No. 364/2011 dated 06-08-2025 on the file of the I Additional District Munsif, Nagercoil and set aside the same.

2. Learned counsel for the petitioner submitted that the respondents herein has filed a counter claim in O.S.No.364 of 2011 and an application under Order VI Rule 17 of CPC in I.A.No.7 of 2025 was filed by the respondents in the counter claim seeking amendment in the village, survey number and the extent of the property. The petitioners have filed their counter stating that the respondents are trying to shift their claim to other properties, after filing of the advocate commissioner report in the counter claim which leads to filing a new counter claim under the guise of an amendment. The amendment petition was allowed by the Court below. By amendment, "*the Valuation and Court fee, the Counter claim is valued at Rs.24,45,513/-. Relief A is valued at Rs. 12,22,757/- and market value of counter claim property and a counter fee of Rs.36,683/- is paid. Relief B is consequential to Relief A, and hence no separate Court fee is necessary.*" Claiming that the same is



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undervalued, the present this Civil Revision Petition is filed.

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3. The learned counsel for the petitioners pointed out that the trial which is now pending before the I Additional District Munsif Court, Nagercoil, lacks pecuniary jurisdiction, since by way of amendment the valuation and Court fee of the suit, have been amended, the trial court has no jurisdiction to proceed further.

4. In view of the above submission, the learned I Additional District Munsif, Nagercoil, is directed to consider the plea of the petitioners herein with regard to its pecuniary jurisdiction under the undervaluation of the suit, at the time of passing the final order. If the trial court comes to the conclusion that it lacks pecuniary jurisdiction to take cognizance of the suit, the same may be taken into consideration.

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

09.12.2025

Index : yes / no
Internet : yes / no
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N.SENTHIL KUMAR,J

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To

1. The I Additional District Munsif, Nagercoil.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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and
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Date : 09/12/2025