

CRP(MD).No.163 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.163 of 2025

1.V.Kiruba Rajakumar
2.M.Hebsibai Elizabeth

: Petitioners/plaintiffs

Vs.

1.The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Virudhunagar.

2.The Fit Person,
Arulmigu Ramalinga Vinayagar Temple
having office at
Arulmigu Chokkanathaswamy Temple.
Aruppukkottai,
Virudhunagar District.

: Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India for directing the Principal District Munsif Court, Aruppukkottai to number the suit in un-numbered O.S.No.A4414 of 2024..

For Petitioner : Mr.R.G. Sankar Ganesh

For respondents : Mr.B. Saravanan

Additional Government Pleader



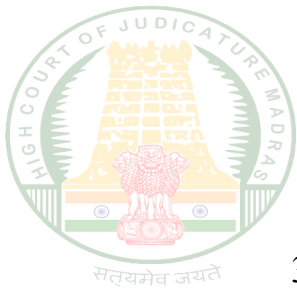
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ORDER

This Civil Revision Petition has been filed seeking direction to the learned Principal District Munsif, Aruppukkottai to number the suit in un-numbered O.S.No.A4414 of 2024..

2. The learned counsel appearing for the revision petitioners would submit that the trial Court erred in directing the petitioners to value the suit under Section 25(b) of the Tamil Nadu Court Fees Act, 1955, where it applies only to cases where the market value / guideline value of the property is ascertainable. In the present case, there is no such value recorded in Government records. He further submitted that the suit property is incapable of valuation as per the Government records and the relief sought by the revision petitioners falls squarely under the ambit of Section 25(d) of the Tamil Court Fees Act, 1955. He would further submit that G.O.(Ms).No.117 is applicable only to Government lands and not to private properties. Hence, prays for a direction to the trial Court to number the plaint.



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3. Heard. Records perused.

4. This Court is of the view that at the time of numbering the plaint, the learned Judge has to see whether there is any cause of action to file the suit, and only after numbering the plaint, if any defect is found out, the Court can reject the plaint. Numbering the plaint is a ministerial Act. No roving enquiry can be done at the time of numbering the plaint. The trial Court can decide the issue of valuation of suit along with other issues. Considering the facts and circumstances of the case, the learned Principal District Munsif, Aruppukkottai is directed to number the plaint and proceed with the same in accordance with law.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

28.01.2025

Index : Yes / No
Internet : Yes/ No
trp

Note: Registry is directed to return the original papers after substituting the xerox copy of the same.



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K. GOVINDARAJAN THILAKAVADI, J.,

trp

To

The Principal District Munsif Court,
Aruppukkottai

C.R.P(MD)No.163 of 2025

28.01.2025