



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 1326 of 2026
and CMP.No.6463 of 2026**

1. M.Abdul Azeez
S/o.N.P.Mohammed, No.10/19, Appu
Maistry Street, Near Mannadi Metro
Station, Chennai 600 001
2. K.Kaja Sheriff
S/o.N.P.Mohammed, No.10/19, Appu
Maistry Street, Near Mannadi Metro
Station, Chennai 600 001
3. M.Asan Ali
S/o.N.P.Mohammed, No.10/19, Appu
Maistry Street, Near Mannadi Metro
Station, Chennai 600 001
4. M.Shaik Abdullah
S/o.N.P.Mohammed, No.10/19, Appu
Maistry Street, Near Mannadi Metro
Station, Chennai 600 001
5. M/s SPM Stores and M/s Najma
Plastic Centre (Ground Floor)
Rep by its Owners for SPM Stores,
Ibrahim and Jaffar Rep by its owners
for Najma Plastic Centre Mehar Bhan,
Abuthahir and Mohammed Wasim
6. M/s MJ Store (Ground Floor)
Rep by its owner Jailani Res at Having
shops at NPM Complex, No.31, Bunder
Street, Chennai 600 001
7. M/s MR Book Store (Ground Floor)
Rep by its owner Kiran Res at Having
shops at NPM Complex, No.31, Bunder
Street, Chennai 600 001



8. M/s New Supreme Stores (Ground Floor)

Rep by its owner Vairam Res at Having shops at NPM Complex, No.31, Bunder Street, Chennai 600 001

9. M/s JB Stores (Ground Floor)

Rep by its owner Saddiq Basha, Jahir Hussain and Siddiq Res at Having shops at NPM Complex, No.31, Bunder Street, Chennai 600 001

10. M/s MG Printers (Fourth floor)

Rep by its owner Geetha Res at Having shops at NPM Complex, No.31, Bunder Street, Chennai 600 001

11. M/s Sun Decoration (Ground Floor, 1st and 2nd Floors)

Rep by its owner Siva and Vijay Res at Having shops at NPM Complex, No.31, Bunder Street, Chennai 600 001

12. M/s A3 Multi Store (Ground Floor)

Rep by its owner Asan Ali and Asdhil Ahamed Res at Having shops at NPM Complex, No.31, Bunder Street, Chennai 600 001

Petitioner(s)

Vs

1. M.Shaik Masthan

S/o.N.P.Mohammed, No.10/19, Appu Maistry Street, Near Mannadi Metro Station, Chennai 600 001

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 07.01.2026 passed in IA.No.4/2025 in OS.No.145 of 2025 on the file of II Additional City Civil Court, Chennai.



For Petitioner(s): Mr.B.Gurunathan

For Respondent(s): Mr.N.S.Ganesh

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ORDER

Challenging the impugned order passed in I.A.No.4 of 2025 in OS.No.145 of 2025 on the file of II Additional City Civil Court, Chennai, the defendants have preferred this revision.

2. Before the trial Court, the defendants filed an application under Order VII Rule 11(b) of the Code of Civil Procedure to reject the plaint on the ground that the suit property has been undervalued. The said application was opposed by the plaintiff stating that the suit has been filed for partition and the court fee has been paid under Section 37(2) of the Tamil Nadu Court Fees Act. Considering the same, the trial Court accepted the contention of the plaintiffs and held that the suit is properly valued and that the Court has pecuniary jurisdiction, and accordingly dismissed the application. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the revision petitioner submitted that Item No.2 of the suit property is situated in a prime locality and its value would be more than Rs.8 crores, but the suit has been undervalued and filed before the III Additional City Civil Court, Chennai, which has no pecuniary jurisdiction to try



the suit. He further submitted that the Court below failed to appreciate the said aspect properly.

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4. On considering the submissions and on perusal of the records, it is seen that the plaintiff has filed the suit for partition and other consequential reliefs in respect of Item Nos.1 and 2 of the suit properties described in the plaint schedule. According to the plaintiff, they are co-owners and are in constructive possession of the property and therefore have paid the court fee under Section 37(2) of the Tamil Nadu Court Fees Act. When the plaintiffs claim joint possession as co-owners, payment of court fee under Section 37(2) is permissible.

5. If at all the trial Court finds that the plea of constructive possession is not acceptable, it is open to the Court to frame an issue with regard to valuation and payment of court fee at any stage of the proceedings. Therefore, the objection raised by the revision petitioners / defendants at this stage is not maintainable. The findings of the trial Court are sustainable.

6. Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.



7. However, liberty is granted to the revision petitioners to raise all such pleadings in their written statement. The trial Court is also directed to frame an issue with regard to valuation of the property at the time of trial, if necessary. Both parties are directed to cooperate for the trial proceedings, and the learned trial Judge is directed to dispose of the case as early as possible.

18-03-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1. The II Additional Judge,
City Civil Court, Chennai.
2. The Section Officer, VR Section,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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