



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2213 of 2024

AND

CMP NO. 11712 OF 2024

K.Muthupandian
S/o. Late.S.Kandasamy,
Plot No. AP 693, 1st Floor,
17th East Cross Street, M.K.B. Nagar, Chennai 39

..Petitioner(s)

Vs

M.Selvalakshmi
W/o. K. Murugesan
Rep by her Power Agent M.Madasamy
S/o. K.Murugesan
Plot No. AP 693, Ground Floor, 17th East Cross
Street, M.K.B. Nagar, Chennai 39

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair and Decreetal order in I.A.No. 5 of 2023 in O.S.No. 3672 of 2021 dated 14.02.2024 on the file of XIII Assistant Judge, City Civil Court, Chennai.

For Petitioner(s): Mr. I.Abdul Basith

For Respondent(s): Mr. A.Prakash

ORDER

Challenging the impugned order passed in I.A.No.5 of 2023 in O.S.No.3672 of 2021 by the learned XIII Assistant Judge, City Civil Court,



Chennai, the Revision Petitioner/defendant preferred this Civil Revision Petition.

WEB COPY

2. Before the trial court, the Revision Petitioner/defendant filed an application under Order 7 Rule 11 of C.P.C. in I.A.No.5 of 2023 praying to reject the plaint on the ground that the trial court has no pecuniary jurisdiction to entertain the suit and also on the ground that the respondent/plaintiff had paid *ad valorem* court fee as such is not correct. The said application was contested by the respondent/plaintiff. On hearing both sides, the trial judge dismissed the said application. Aggrieved over that, this Civil Revision Petition has been filed.

3. The learned counsel for revision petitioner/defendant would submit that the valuation of the property was wrongly mentioned in the suit and the court fee also paid by the respondent/plaintiff as such is not correct one. Therefore, the trial court has no pecuniary jurisdiction to try the suit, but without considering the same, the trial judge proceeded with the matter and erroneously dismissed the application. Hence, he raised objections and prayed to set aside the findings of trial judge.

4. As on date, trial has begun. The plaintiff's side evidence was closed and for cross-examination of P.W.1, the case was posted. If at all, proper court fee is not paid, the respondent/plaintiff is not entitled to raise the suit. Therefore, the trial judge is directed to decide the issue with regard to court fee and dispose the case in the manner known to law. However, the findings rendered by the trial judge with regard to jurisdiction requires no interference. Accordingly, this



Civil Revision Petition is dismissed as no merit and the findings rendered in I.A.No.5 of 2023 in O.S.No. 3672 of 2021 is confirmed. The trial judge is directed to complete the trial and dispose case within a period of three months from the date of receipt of copy of this order. No costs. Consequently, connected civil miscellaneous petition is closed.

02-04-2026

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

RPP

To

The XIII Assistant Judge, City Civil Court, Chennai.



WEB COPY

CRP No. 2213 of 2



T.V.THAMILSELVI J.

RPP

**CRP No. 2213 of 2024
AND
CMP NO. 11712 OF 2024**

02-04-2026