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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-11-2026**

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**CRP No. 2502 of 2023**

*CNR: {HCMA011107052023}*

Case QR

1. P.Elango
   S/o. M.L. Padmanabhan, No.1097-A, 9 th Street

2. P. Bharath
   S/o. M.L. Padmanabhan

3. S. Chandran
   S/o. Somasundaram

..Petitioner(s)

Vs

1. V. Ravikumar
   S/o. Venkitasamy

2. D. Saravanan
   S/o. Doraisamy

3. K.R. Sivaraman
   S/o. K.R. Krishnan Chettiar

4. K.R. Alagappan
   S/o. K.R. Krishnan Chettiar

5. A.L. Neela
   W/o. K.A. Alagappan

6. S. Meenal
   W/o. K.r. Sivaraman

..Respondent(s)



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**PRAYER**

Petition filed under Article 227 of the Constitution of India, to set aside the Docket Order dated 02.06.2023 returning the plaint presented in OS filing No.1063/2023 on the file of Principal District Munsif Court, Coimbatore and consequently direct the learned District Munsif, Coimbatore.

For Petitioner(s): J.Jayan

**ORDER**

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the order passed on 28.4.2023, returning the plaint filed by the petitioners/plaintiffs on the ground that Court fee was not paid under Section 40 of the Tamil Nadu Court Fees and Suits Valuation Act (hereinafter referred to as 'the Act') and for other minor discrepancies.

2. Heard the learned counsel for the petitioners and this Court carefully perused the materials available on record.

3.The petitioners/plaintiffs filed the suit before the Principal District Munsif Court, Coimbatore seeking for the relief of declaration to declare the power of attorney deed dated 10.7.2006 and sale deed dated 13.7.2006 as null and void, non-est and unsustainable and not binding on the plaintiffs and for permanent injunction restraining the 1st and 2nd defendants from alienating/encumbering the suit property.



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4.The petitioners/plaintiffs have questioned the legality of the power of attorney and the sale deed on the ground that both these documents are forged and fabricated and therefore such fraudulent document does not bind the plaintiffs. In view of the same, the petitioners/plaintiffs have paid the Court fees under Section 25(d) of the Act.

5.The Court below has returned the plaint by insisting that the plaintiffs will have to pay the Court fees under Section 40 of the Act since they are parties in both the documents.

6.In the case in hand, the petitioners/plaintiffs are questioning the documents on the ground that they are forged and fabricated documents and therefore they have paid the Court fees under Section 25(d) of the Act. In view of the same, considering the stand taken by the petitioners/plaintiffs, the Court below ought to have acted upon the plaint and numbered the same and proceeded further in accordance with law. The Court below must keep in mind that if the party to the document questions the document, Section 40 of the Act will come into play and if a party claims that he was not a party to the document since the document itself is a forged document, the party will be justified in seeking for the appropriate declaration by paying the Court fees under Section 25(d) of the Act.


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Order QR

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7.In the result, there shall be a direction to the petitioners/plaintiffs to re-present the plaint within a period of two weeks from the date of receipt of copy of the order. The Court below shall number the suit and proceed further in accordance with law. Registry is directed to return back the original plaint to the counsel for the petitioners in order to enable the petitioners to represent the same before the Court below.

**10-11-2026**

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

Principal District Munsif Court, Coimbatore



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**N.ANAND VENKATESH, J.**

**KP**

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