



C.R.P.No.177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.01.2026

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.177 of 2024
and CMP.No.858 of 2024

G.Padminidevi

... Petitioner

vs.

1.G.Rathinammal
2.J.Saraswathi
3.M.Sarojini
V.V.Natarajan (died)
4.N.Arulanand

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 28.07.2023, made in I.A.No.9 of 2023, in O.S.No.52 of 2020, on the file of the Subordinate Judge, Mettupalayam and allow the Civil Revision Petition.

For Petitioner : Mr.R.Venkatajalapathy

For Respondents :M/s.J.Ranjith Kumar for R1

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioner under Section 12(2) of Tamil Nadu Court Fees and Suit Valuation Act.



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2. The first respondent filed a suit seeking declaration that partition deed dated 08.08.2016 was invalid and not binding on the plaintiff and also for the relief of partition, claiming 1/4th share in the suit property. In the plaint, the suit property was valued at Rs.25,00,000/- and Court fee was paid under Section 37(2) of Tamil Nadu Court Fees and Suits Valuation Act, claiming joint possession.

3. The petitioner herein who was arrayed as 5th defendant filed instant application under Section 12(2) of Tamil Nadu Court Fees and Suit Valuation Act, seeking appointment of Advocate Commissioner to assess the value of the suit property along with building value and to direct the first respondent to pay proper Court fee. The said application was dismissed by the trial Court, mainly on the ground that in the partition deed dated 08.08.2016, the plaint schedule property was valued at Rs.25,00,000/-. The petitioner who was party to the partition deed cannot dispute the value of the same. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would submit that along with the petition under Section 12(2) of Tamil Nadu Court Fees and Suit Valuation Act, the petitioner filed three documents namely approved



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valuer report, guidelines value certificate downloaded from the official website of the Registration Department and the photographs of the suit property and those vital documents have not been taken into consideration by the trial Court. It was also submitted that the plaint documents were wrongly treated as the documents filed by the petitioners and based on those documents the petition was dismissed.

5. The learned counsel appearing for the respondent would submit that the petitioner was party to the partition deed dated 08.08.2016 and the suit property was valued at Rs.25,00,000/- in that document and therefore, the petitioner cannot dispute the valuation adopted by the respondent/plaintiff, based on the partition deed dated 08.08.2016.

6. It is seen from the records, the suit was filed in the year 2020. However, the trial Court relying on the partition deed dated 08.08.2016. For the purpose of valuation of the plaint, the market value of the property at the time of presentation of the claim is relevant and hence the trial Court ought not to have relied on 2016 partition deed in arriving at the conclusion, Further as per the amended Court Fees Act, the market value is equivalent to guideline value, for the purpose of valuation. In fact, along with petition



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filed under Section 12(2) of Tamil Nadu Court Fee Act, the petitioner also filed guideline value certificate download from the official website of the Registration Department and the same has not been taken into consideration by the trial Court. Along with the petition, the petitioner herein filed three documents, the same has not been considered and the certified copy of the three documents have been produced before this Court. Since the vital documents produced by the petitioner were not taken into consideration by the trial Court, the impugned order is set aside and the Civil Revision Petition stands allowed and the matter is remitted back to the trial Court with direction to consider I.A.No.9 of 2023 afresh. The trial Court shall give opportunity the petitioner and respondent to lead additional evidence, if any and passed final orders in I.A.No.9 of 2023 as expeditiously as possible within a period of eight weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Subordinate Judge,
Mettupalayam.



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S.SOUNTHAR, J.

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