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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP Nos. 6768 & 6770 of 2026

CNR:{HCMA012288342026}

AND

CMP NO. 29150 OF 2026

& CMP NO. 29143 OF 2026

1. Savithri Naidu
   W/o. Late V Radhakrishnan,
   Res. at Anugraha,
   No.442 (Old No. 1334),
   Avinashi Rad, Peelamedu,
   Coimbatore-004.

2. Vikrma R.Naidu
   S/o. Late V Radhakrishnan,
   Res. at Anugraha,
   No.442 (Old No. 1334),
   Avinashi Rad, Peelamedu,
   Coimbatore-004.

..Petitioner(s)

Vs

1. R.Santhosh
   S/o. Late V Radhakrishnan,
   Res. at No.9, Park Residency,
   ATT Colony, Coimbatore-18.

2. R.Vimala
   W/o. Late V Radhakrishnan,
   Res. at No.9, Park Residency,
   ATT Colony, Coimbatore-18.

..Respondent(s)

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CRP No. 6770 of 2026

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..Appellant(s)

Vs

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   Res. at No.9, Park Residency,
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..Respondent(s)

CRP No. 6768 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order dated 12.08.2026 passed in IA No.6 of 2026 in OS No.379 of 2013 by the learned V Additional District Judge,

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Coimbatore and 1st respondent be directed to pay court fee at the rate of 7.5 percent on Rs.2,15,00,000/-

CRP No. 6770 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for records in IA No.2 of 2026 in OS No.24 of 2008 on the file of the V Additional District Judge, Coimbatore set aside the fair and decretal order dated 13.08.2026 passed therein.

For Petitioner(s): in both CRPs — Mr.Nithyaesh Natraj for Vaibhav Rangarajan Venkatesh

COMMON ORDER

The issue involved in both the Civil Revision Petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2.The 1st respondent/plaintiff filed the suits in O.S.No.24 of 2008 and O.S.No.379 of 2013, seeking for the relief of declaration and recovery of possession.

3.The petitioners, who are the defendants, questioned the valuation of the suits and the Court fees paid and earlier filed an application for the appointment of an Advocate Commissioner to assess the market value of the suit property.

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This application came to be dismissed by the Court below and aggrieved by the same, CRP No.1357 of 2020 came to be filed before this Court. This Civil Revision Petition was disposed of by this Court in the following terms:

> 13. The reading of the affidavit filed in support of petition by the petitioner seeking appointment of Advocate Commissioner would indicate that there is no serious dispute with regard to the plaintiff-s title of the suit property. The dispute is only with regard to the valuation of the suit. In such circumstances, the parties are at liberty to lead evidence to prove the actual market value of the suit property and the same can be decided at the time of final disposal. It is always open to the petitioner to examine witnesses and lead evidence regarding the valuation of the suit property. The issue regarding the correct market value of suit property requires evidence. Hence, the said issue is to be decided by the Court below at the time of final disposal, as observed in the impugned order. I do not find any error in the order passed by the Court below. Therefore, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

4.After the above order was passed, an application was filed for filing an additional written statement and the same came to be allowed and the additional written statement was also filed, wherein the specific issue regarding the valuation and the Court fees was also raised.

5.At this juncture, interlocutory applications came to be filed before the Court below to take up the issue regarding the valuation and payment of Court fees as a preliminary issue under Section 12(2) of the Tamil Nadu Court Fees

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and Suits Valuation Act, 1955. These applications came to be dismissed by the Court below and aggrieved by the same, these Civil Revision Petitions have been filed before this Court.

6.The Court below seems to have dismissed the applications mainly on the ground that, even on an earlier occasion, a similar attempt was made to question the valuation of the suits and the Court fees paid, but the petitioners failed in the said attempt and hence, they are attempting to revive the same issue once again by filing the present applications.

7.Even when the earlier Civil Revision Petition was disposed of by this Court, this Court made it clear that the issue regarding the correct market value of the suit property requires recording of evidence and that the same can be decided by the Court below at the time of final disposal. In view of the same, as rightly held by the Court below, this issue cannot be decided as a preliminary issue and the issue that has been raised by the petitioners/defendants regarding the valuation of the property and payment of the Court fees can be taken up as one of the issues in the suit and decided based on the evidence adduced by both sides. This liberty was granted earlier and the same is once again reiterated in the present Civil Revision Petitions. In view of the same, the petitioners cannot have any further grievance.

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8.In the result, both the Civil Revision Petitions are disposed of in the above terms. No Costs. Consequently, the connected miscellaneous petitions are closed.

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

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To

The V Additional District Judge, Coimbatore.

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N.ANAND VENKATESH J.

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