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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6861 of 2026
and CMP No. 29466 of 2026

CNR: {HCMA012395752026}

Case QR

1. S. Ganesh
   S/o. Sankaran,
   Residing at Door No. 4/1,
   Selvi Amman Kovil Street,
   Anna Nagar, Sindhupoondhurai,
   Tirunelveli District 627 001

2. M. Krishnaveni
   Residing at Door No. 4/1,
   Selvi Amman Kovil Street,
   Anna Nagar,
   Sindhupoondhurai,
   Tirunelveli District

..Petitioner(s)

Vs

Jayashree
W/o. Aasish,
Residing at No.B-47,
Birundhavanam Nagar,
Chitra, Civil Aero Post,
Coimbatore DistrictCoimbatore

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records to the Fair and Decreetal order passed in IA. No. 03 of 2025 dated 23.07.2026 in O.S. No. 811 of 2024 on the file of the Principal District Munsif Court, Coimbatore and set aside the same thus render justice.

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For Petitioner(s): Mr.A.R. Hariprasaadh

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, challenging the order dated 23.07.2026 passed in IA. No. 03 of 2025 in O.S. No. 811 of 2024 on the file of the Principal District Munsif Court, Coimbatore, wherein the application filed by the petitioners/plaintiffs for rejection of the counter claim came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioners and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The petitioners are the plaintiffs who filed the suit in O.S.No.811 of 2024 seeking for the relief of permanent injunction.

4.The respondent/defendant filed a written statement and also raised a counter claim seeking for the relief of delivery of possession.

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5.The petitioners filed IA No.3 of 2025 under Order VII Rule 11 of C.P.C., for rejection of the counter claim on the grounds that it does not disclose cause of action, the counter claim has been undervalued and not properly stamped and that it is barred by law.

6.The Court below dismissed the said application and aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

7.The main ground that was urged is that the defendant, while making the counter claim, has arbitrarily valued the counter claim at Rs.60,000/- while calculating the alleged interest on Rs.5 Lakhs and therefore, unless and otherwise, the valuation is done properly and the Court fees is paid, the defendant cannot be allowed to prosecute the counter claim.

8.The Court below has dismissed the application mainly on the ground that the ground raised by the petitioners/plaintiffs can be considered only in the course of trial.

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9.The specific case of the petitioners is that the counter claim raised by the defendant has been undervalued and the Court fees has not been properly paid and therefore, the counter claim is liable to be rejected.

10.The counter claim for all practical purposes, must be construed as a plaint. If there is any undervaluation of a counter claim, the principles of Section 12 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955, will equally apply. When such a preliminary objection regarding the valuation of the claim and the Court fees paid is raised, it has to be decided by the Court below under Section 12(2) of the Act. Such an application will be entertained if it is filed at least before the evidence is recorded on the merits of the claim. In the present case, it is submitted that the evidence is yet to commence on the side of the plaintiffs. If ultimately, the Court comes to the conclusion that the relief has not been properly valued, it can direct the defendant to pay the deficit Court fees by amending the counter claim showing the proper valuation and if this direction is not complied with, the counter claim can be rejected by the Court.

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11.In view of the above, it is left open to the petitioners to file an appropriate application under Section 12 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the same shall be considered by the Court below on its own merits and in accordance with law, after affording an opportunity to both parties. Subject to the result of the said application, further course of action can be taken.

12.In the result, this Civil Revision stands disposed of in the above terms. No Costs. Consequently, the connected miscellaneous petition is closed.

03-11-2026

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

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N.ANAND VENKATESH, J.

SSR

To

The Principal District Munsif Court, Coimbatore.

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