



C.R.P.No.319 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.319 of 2026
and
C.M.P.No.1727 of 2026

Evangeline Prabhu

... Petitioner

VS.

S.Samuel

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order of the learned VI Additional Judge, City Civil Court at Chennai made in I.A.No.7 of 2024 in O.S.No.500 of 2023 dated 11.11.2025.

For Petitioner : Mr.R.Abdul Mubeen
for M/s.D.S.RA.P.Pratap Singh



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the learned VI Additional Judge, City Civil Court, Chennai in I.A.No.7 of 2024 in O.S.No.500 of 2023, dated 11.11.2025 dismissing the application filed by the petitioner seeking to reject the plaint in O.S.No.500 of 2023.

2. The respondent herein filed a suit seeking declaration of title and for recovery of possession. The suit was valued for the purpose of jurisdiction at Rs.83,00,000/- and ad-valorem court fee was paid under Section 25(b) of the Tamil Nadu Court Fees and Suits Valuation Act, 1955. It is not in dispute the trial in the suit is over and the matter is posted for arguments.

3. It is seen from the typed-set of papers filed by the petitioner that she filed application seeking rejection of the plaint after examination of DW.4. The rejection of the plaint was sought for mainly on the ground that the suit property was under valued by the plaintiff. The petitioner filed the instant application on 23.04.2024 after examination of an Assistant from



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Sub-Registrar Office, Mylapore as DW.4. In his evidence, he had stated that a nearby property with UDS extent of 570 sq.ft., was sold for Rs.1 crore and Rs.1 lakh. He also stated that the property with UDS extent of 800 sq.ft., and construction extent of 1800 sq.ft., will fetch Rs.2 crores. Based on his evidence, the instant application has been filed by the petitioner stating that the plaintiff under valued the suit. Therefore, according to the petitioner, the plaint shall be rejected.

4. The said application was dismissed by the Trial Court on the ground that the petitioner failed to substantiate the plea regarding under valuation. The Trial Court also observed that the application has been filed when the suit is in advanced stage and hence, the same cannot be entertained.

5. The learned counsel appearing for the petitioner would vehemently contend by relying on evidence of DW.4 that the valuation adopted by the plaintiff does not reflect the Market Value and therefore, the plaint is liable to be rejected on the ground of under valuation.



6. A close scrutiny of the evidence of DW.4 would indicate he only mentioned the value of the property which includes cost of undivided share and the cost of building. In his evidence, he has not stated clearly what was the value of the land in that locality. He only mentioned approximate value of cost of site as well as cost of building. It is a matter of common knowledge that the cost of construction may vary from building to building based on the quality of the materials used and the age of the building. Therefore, based on the valuation mentioned by DW.4, which includes cost of the site as well as cost of building, we cannot come to a definite conclusion that the valuation adopted by the plaintiff is not correct and he under valued the property.

7. Further, the trial in the suit is in advanced stage and application for rejection of the plaint was filed after examination of DW.4. Ofcourse, the application for rejection of the plaint can be filed at any time before disposal of the suit. But taking into consideration the disputed question of fact raised in this case with regard to the valuation, this Court feels based on the evidence of DW.4 and the sworn statement of the petitioner, we cannot reject the plaint without proper enquiry. Therefore, I do not find any irregularity or illegality in the order impugned in this civil revision petition.



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8. Accordingly, the Civil Revision Petition stands dismissed.

However, if the petitioner is so advised it is always open to her to make a request before the Trial Court to frame an issue with regard to the valuation of the plaint. If any such application is filed, the same shall be considered by the Trial Court on its own merits, without being influenced by anything said in this order. No costs. Consequently, the connected civil miscellaneous petition is closed.

02.02.2026

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

To

The VI Additional Judge,
City Civil Court, Chennai.



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S.SOUNTHAR, J.

dm

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