



C.R.P.(MD) No.707 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.707 of 2026
and
CMP(MD) No.3273 of 2026**

1.Vasuki

2.Gnana Sekaran

... Petitioners

vs.

1.S.R.S.Manikandan

2.Chitra

3.Jeeva

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 18.11.2025 passed in IA No.4 of 2025 in OS No.4 of 2025 on the file of the Learned Sub Judge, Paramakudi, Ramanathapuram District.

For Petitioners : Mr.K.Yasar Arafath



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ORDER

The plaintiffs are the Civil Revision Petitioners. They presented a suit in O.S.No.4 of 2025, seeking partition for 2/5th share in the suit schedule mentioned property and for cancellation of the document No. 878/2023 dated 22.02.2023, and another document No.2324/2024 dated 27.05.2024.

2.The plaintiffs are the parties to the registered release deed executed on 22.02.2023. Yet, they valued the suit under Section 25(d) of the Tamil Nadu Court Fees and Suit Valuation Act, 1955 (*herein after referred to as the 'Act'*) and not under Section 40 of the Act. On being served with summons, the first respondent/defendant took out an application in I.A.No.4 of 2025, invoking Order VII Rule 11(b) of the Code of Civil Procedure. The defendant pleaded that, the plaintiffs being parties to the release deeds, should value the suit only under Section 40 and not under Section 25(d) of the Act.

3.The learned Trial Judge allowed the application in part, calling upon the plaintiffs to value the suit under Section 40 of the Act and rejected the valuation under Section 25(d) of the Act. Hence, this Revision.

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4.Mr.Yasar Arafath relying upon the judgment of this Court in

Tamilzhselvi and others Vs. Kaliyavardhan, CRP.PD.No.3636 of 2017, dated 20.04.2021, urges that a release deed is not a document, which falls under Section 5 of the Transfer of Property Act, 1882, and therefore, the order of the Trial Court is erroneous.

5.The scope of interpretation of Section 40 and Section 25(d) is settled. Section 40 applies whenever a person is a party to a document and such document creates, declares, **assigns**, limits or **extinguishes** the right of a party in present or in future over a movable or an immovable property. Section 25(d) applies when a person is **not** a party to the document and seeks for declaration that the document is not binding on him. Where a plaintiff has to get a document cancelled in order to get the main relief, only Section 40 of the Act would apply.

6.The case in ***Tamilzhselvi*** was not a release deed, but was a partition deed simpliciter. As per the documents which the plaintiffs in the present case seek to set aside, they had given up their right in favour of the first defendant. The effect of the release deed was to extinguish their right over the immovable property, while simultaneously enlarging the right of the first defendant over the



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same. Since Section 40 of the Act applies, I do not find any error in the order passed by the learned Trial Judge.

7.At this stage, Mr.Yasar Arafath states that, if sufficient time is granted, the plaintiffs will pay the additional Court fee.

8.In the light of the above discussions, the Civil Revision Petition stands **dismissed**. Eight weeks time is granted to the plaintiffs from the date of receipt of a copy of this order to value the suit under Section 40 of the Act and to pay the appropriate Court fee. In case, the plaintiffs fail to pay the Court fee, the consequential order, rejecting the plaint, will be passed by the learned Subordinate Judge, Paramakudi, Ramanathapuram District. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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16.03.2026

To

The Subordinate Judge, Paramakudi,
Ramanathapuram District.

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V. LAKSHMINARAYANAN, J.

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