

IN THE COURT OF ADDITIONAL DISTRICT
MUNSIF, CHIDAMBARAM
PRESENT: Tmt. S.SUGANIYA SRI B.A.B.L (Hons), M.L., PGDAML
ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM
THURSDAY, THE 6th DAY OF JUNE 2024
OS.NO.316/2015

Devarasu

..... Plaintiff

/Vs/

1) Usharani

2) Manivannan

..... Defendants

This suit having coming on 6.6.2024 for final hearing before me in the presence of Thiru.B.Saravanan Advocate for Plaintiff and Thiru.N.Sethuraman Advocate for Defendant and upon hearing the arguments of both sides and on perusal of case records and having stood over for consideration till this day, this court delivers the following:

ORDER

1. After perusal of the written statement, pleadings found in the plaint and the relief sought in the plaint, this Court intended to frame issues, the following preliminary issue was framed on 6.6.2024 as follows:

(i) *Whether the suit is not properly valued as alleged by defendants?*

2. Heard the learned counsel for plaintiff and defendant. Also, perused the records.

3. This is the suit originally filed for the relief of permanent injunction and subsequent to which the suit relief was amended and declaration was also sought for. The amendment was carried out on 16.9.2021. The suit property was valued at Rs.1,09,000/- and as per Section 25 (b) of Tamil Nadu court fees Act, the half value being Rs.55,500/- was evaluated and paid the court fee of Rs.1635/-. According to the defendant the value of 1 cent of suit property is Rs.5,00,000/- and therefore the suit property should be valued at Rs.12,

50,000/-. Furthermore, there is also a building in the suit property. While being so, the defendant intends to decide the value of property firstly so as to decide on the pecuniary jurisdiction of this court. On the other hand, the plaintiff states that he purchased the suit property for a valid consideration on 15.7.2013 and property was properly valued and court fee was also paid. It is not necessary to value the building in suit property and guideline value was also filed before this court. On perusal of records, it is seen that in the amendment for declaration under Section 25 (b), the property was valued at Rs. 1,09,000/- but in the sale deed dated 15.7.2013, the property was valued at Rs.1,31,200/- which is evident from the plaint document No.2. According to this court, when the plaintiff document itself exhibits the market value of suit property as Rs.1,31,200/-, there is no reason assigned by the plaintiff as to why he has evaluated the suit property at Rs.1,09,000/-. The petition filed by defendant under section 12(2) of Tamil Nadu Court fees and Suits Valuation Act in IA.No. 331/2022 is allowed on 3.6.2023. As per which, the preliminary issue regarding the valuation of suit property for the purpose of court fees and jurisdiction was ordered to be decide at first.

4. After having taken the frequent adjournments, the plaintiff has argued on the point of preliminary issue and consented to value the suit on the basis of plaint document No.2. Although the defendant alleged that the suit property comes around Rs.12,00,000/-, there is no proper proof submitted for the same. Therefore, considering the entire facts and circumstance of the case, this court is of the view that the plaintiff ought to have computed the court fee properly on the basis of market value of suit property. Due to the failure of the plaintiff to compute the Court fee properly, the plaintiff is hereby directed to compute the Court fee on the basis of plaint Document No.2 and to pay the remaining Court fees within a period of one month from today. Hence, for the aforesaid reasons, the preliminary issue is answered against the plaintiff.

In the result, for the foregoing reasons, the preliminary issue is answered against the plaintiff and he is directed to compute the Court fee based on plaint Document No.2 and to pay the required fees within a period of one month from today. Call on 8.7.2024. No costs.

Dictated to the steno-typist, transcribed by her and typed in computer, corrected and pronounced by me in the open court this the 6th day of June 2024.

(Sd/-S.Suganiyasri)

ADDITIONAL DISTRICT MUNSIF,
CHIDAMBARAM.