

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU

Present: Thiru.A.Saravanakumar.,B.A.B.L.,
Additional District Judge,
Chengalpattu.

Monday, the 24th day of November 2025

I.A.No.6/2024

in

O.S.No.269/2023

CNR.No:TNCG01-003621-2023

Mr.P.V.Mohanrajan

...Petitioner/Defendant

-Vs.-

Mr.P.V.Varadharajan

...Respondent/Plaintiff

This Petition coming before this court on 6.10.2025 for final hearing in the presence of Mr.A.Ananthkumar, counsel for the Petitioner/Defendant and M/s.M.Thangadurai, S.Sasikala and G.S.Sugashini, counsel for the Respondent/Plaintiff and upon hearing the arguments of both sides and perusing the material records and upon perusing the written arguments filed by the respondent/plaintiff and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This petition has been filed under Section 12(2) of TNCF Act as amended & r/w section 151 of CPC to pass an order to try under section 12(2) of TNCF Act as the suit has not been properly valued and the same has been undervalued and the court fee paid is not sufficient, this court has

to consider it as a preliminary issue and direct the plaintiff to value the suit as per the real market value of the land as on date of presentation of the suit together with calculate market value for the building as on date of presentation of the suit and also direct him to pay the requisite court fees in respect of the said amount within the time fixed by this court and in the event of his failure to do so to reject the plaint vide O.S.No.269/2023 on the file of this court and pass such other order or other orders that may deem to be fit and proper in the circumstances of the case and thus render justice.

2. The Petition averments in brief as follows:-

The petitioner is the defendant in the original suit and well acquainted with the facts of the case. The respondent has filed the original suit for declaration of title over the suit property and recovery of possession and to pay a sum of Rs.37,00,000/- towards arrears of rent with subsequent interest of 12% p.a till realization and to pay a sum of Rs.10,00,000/- p.m towards damages for wrongful use from the date of suit til date of realization. The petitioner denies the entire allegations contained I the plaint except those are specifically admitted. The suit against the petitioner in respect of suit property is not at all maintainable either in law or on facts and the same is liable to be dismissed in limini. The present suit is vexatious and frivolous one. The present suit is not maintainabl in law and on facts of the case. There are no merits in the said case and the same is unsustainable in any canons of law.

“All that piece and parcel of the property with house premises and shop constructed thereon situated at Door No. 10, Plot no.4A, Muthiyal Reddy 1st lane, Alandur, Chennai 600016, Adambakkam Village, Alandur Taluk, comprised in Paimash No.1039, 1042, 1046 and 1050 survey No.141/14 Patta No.883, T.S No.44, Block No. 2, Ward No.6 measuring to an extent of 5036 sq.ft". Since the plaintiff has stated the property with house premises and shop constructed thereon measuring to an extent of 5036 sq.ft, but the plaintiff has valued the suit for the land to an extent of 5036 sq.ft alone as 5036 sq.ft X Rs.2345 Rs.1,18,09,420/-. Moreover the plaintiff has not valued the suit for the land of 5036 sq.ft as on the date of presentation of the suit, but he has intentionally & purposefully undervalued the suit. But originally the value of the land is Rs 3,500/- per one sq.ft as on date of the presentation of the suit. For reasons best known to the plaintiff, in order to achieve his ulterior object of land grabbing, the plaintiff deliberately suppressed the present & real market value of the land as on the date of the presentation of the suit, further the plaintiff has mentioned the suit property with building, but specifically the plaintiff has not calculated the value of the building constructed thereon, thus the plaintiff has purposely played fraud before this court. It is settled propositions that "Parties can't play fraud with the court by suppressing details of market value of the property as on the date of presentation of suit". The present plaintiff has intentionally undervalued the suit and cunningly paid the deficit court fees in the suit thus the plaintiff has

undervalued the suit, since the case of the plaint is liable to be thrown out at this stage itself. The subject matter of the suit has been properly valued and the same has been undervalued and the court fee paid is not sufficient thereby this plaintiff has paid court fees insufficiently, for the reasons stated in the earlier para. In view of the deliberate under valuation of the suit, the issue of nonpayment of proper court fee by the plaintiff is to be tried as the preliminary issue, as provided under Sec12 (2) of the Tamil Nadu Court Fees and Suits Valuation Act 1955 as amended. Since, the plaintiff has purposely undervalued the suit for the said relief. Once the plaintiff has undervaluing the suit and paid insufficiency court fees for seeking relief, is with sole malafide intention to cause a loss to the government. Furthermore based on the court fees amendment act 2017, determination of market value of any property, such value shall be determined as on the date of presentation of the plaint. Hence this court may be pleased to decide the same as preliminary issue and direct the plaintiff to pay the requisite court fees as per the real market value of the suit property. Further if this suit has not been properly valued and the same is liable to be rejected. If this application is not allowed, the petitioner will be put into great loss and hardship. No impediments will be caused to the respondent in allowing this application. Hence the petition.

3.The averments in the counter filed Respondent in brief as follows:-

This respondent denies the allegation and averments stated in the supporting affidavit except those that are specifically admitted. The

petition filed by the petitioner is not at all maintainable either in law or on facts and the same is liable to be dismissed in limini. The respondent admits that he has filed above suit for declaration of title and for recovery of possession including for arrears of rent and damages against the petitioner/defendant. But it is false to state that the suit is not maintainable and the same is liable to be dismissed and the plaintiff suppressed all material facts and come to the court with unclean hands. There is no dispute with regard to description of suit property. But the respondent strongly denies the allegations that he has valued the suit for the land alone and he has not valued the suit as on the date of presentation of plaint. This respondent emphatically denies the allegations that he has intentionally and purposely under valued the suit as Rs.2,345/ per sq.ft., as against the original value of Rs.3500/- per sq.ft., on the date of filing of the suit and strongly denies the allegations that subject matter of the suit property has not been properly valued and the same has been under valued and the court fee paid is not sufficient. Hence issue of non-payment of proper court fee by the plaintiff is to be tried as preliminary issued under section 12(2) of TNCF and S.V. Act. This respondent states that the respondent/plaintiff has properly valued the suit in accordance with law as contemplated under Tamil Nadu Court Fee and Suit Valuation Act. It is pertinent to note that originally the total value of the suit property was arrived as Rs.2,345/-per sq.ft., as per guideline value thereby the plaintiff fixed value as Rs.2345 x 5036 sq.ft., = Rs. 1,18,09,420/-. However the

plaint was returned by the registry to value for building also. Hence the plaintiff again given revaluation of the suit by adding value of old building as Rs.5,00,000/- thereby total value of the suit is arrived Rs. 1,23,09,420/- for the relief of declaration of title and recovery of possession and further Rs.37,00,000/- is valued for arrears of rent and Rs.10,00,000/- valued for damages thereby total value of the suit is arrived as Rs. 1,61,09,420/- and total court fee is paid as Rs.4,83,283/-. Therefore it is highly false to state that the plaintiff valued as Rs.1,18,09,420/- as alleged by the petitioner. The petitioner without noticing revaluation of the plaint after return by the registry seems to have mentioned old valuation. Hence contention of the petitioner as to under valuation is liable to be rejected. The plaint document No.6 is the guideline value issued by SRO office in which the value of the suit property is given as Rs.2,345/- per sq.ft. Accordingly the total value of the suit property is arrived under consonance with the value fixed in the SRO office portal. Therefore the question of under valuation of the suit does not arise. The suit is properly valued and proper court fee is paid. Hence the plaint is not liable to be thrown out. The so called value of Rs.3,500/- per sq.ft., as alleged by the petitioner is false and baseless without any supportive documents. There are absolutely no merits in the above application and the same is liable to be dismissed.

4. The point for consideration:-

Upon the perusal of the petition, counter and other materials this court has framed the following point for consideration:

“Whether the petition is to be allowed or not”

5. Answer to the point:

The petitioner is the defendant in the original suit. The respondent is the plaintiff therein. The respondent filed the original suit for the reliefs of declaration of title, recovery of possession and also recovery of rent arrears of Rs.37,00,000/- along with subsequent interest. The petitioner entered appearance and filed written statement. In the written statement he raised a defense regarding the non payment of proper court fee. The case is also pending for framing of issues. At this stage the present application is filed under section 12(2) of Tamil Nadu Court Fees and Suit Valuation Act. In order to raise a preliminary issue and decide the matter thereon.

6. The petitione has stated in the supporting affidavit that the respondent averred in the plaint that the suit property with house premises and shops was constructed for an extent of 5,036 sq.ft. While valuing the suit property the respondent has shown a sum of Rs.2,345 per sq.ft and worked out total value for Rs.1,18,09,420/-. The petitioner further stated that the respondent has purposefully and intentionally undervalued the suit property and the original value of the same is Rs.3,500 per sq.ft at the time of presentation of the plaint. Relying upon the said facts, the petitioner further stated in the supporting affidavit that since the subject matter of the suit has been undervalued and the respondent has not paid sufficient court fee, the issue of non payment of proper court fee may be raised as preliminary issue under section 12(2) of Tamil Nadu court fees and Suit

Valuation Act and direct the respondent to pay the correct court fee.

7. The respondent has filed a detailed counter. It is his contention that the suit has been valued in accordance with the law as contemplated under Tamil Nadu Court Fees and Suit Valuation Act. It is further stated that originally the total value of the suit property was arrived as Rs.2,345/- per sq.ft as per guideline value. In the property, the old building was also valued as Rs.5,00,000/- Therefore, the total value of the suit property has been arrived at Rs.1,23,09,420/- for the relief of declaration and recovery of possession. So far as the rent arrears is concerned the total value of Rs. 4,83,283/- has been paid. Therefore, the petitioner has come forward with this present application stating that the property has been undervalued which is not correct.

8. This court has considered the submissions of the respective sides. As stated supra, the present application is filed Section 12(2) of the Tamil Nadu Court Fees and Suit Valuation Act. A reading of the above section would make it very clear that the question relating to improper value of the suit property or non payment of proper court fee can be raised by the defendant after filing written statement before, the evidence is recorded. If the court decides that the subject matter of the suit has not been properly valued or that the fee paid is not sufficient the court shall fix a date before which the plaint shall be amended and deficit shall be paid. If the plaint is not amended or if the deficit court fee is not fix within the stipulated time, the court shall reject the plaint. It is further pertinent to see that the original

suit is filed for the relief of declaration and recovery of possession. While so, the court fee is to be paid on the basis of marked value of the property. The Tamil Nadu Court Fees and Suit Valuation Act as amended on 17.2.2017 has inserted section 11 regarding determination of market value. An explanation to the section says that market value means the market value fixed under section 47 AA of Indian stamp Act. Section 47 AA of Indian stamp Act makes it very clear that the valuation committee has to fix the guideline value. Therefore the guideline value fixed by the valuation committee will be the market value for a property.

9. Such being the legal prelude the petitioner has marked Ex.P1 issued by Sub-Registrar, Alandur. It is a RTI reply given by the Sub Registrar, Alandur to the petitioner. A reading of the above Ex.P1 would indicate that the guideline value for the suit property from 1.1.2023 to 31.3.2023 was Rs.2345/- per sq.ft. and from 1.4.2023 to 19.6.2023, the guideline value for the suit property is Rs.3,500 per sq.ft. The present suit is filed on 16.5.2023. From Ex.P1 it is evident that on the date of filing of the suit the guideline value for the suit property is Rs.3,500 per sq.ft. Hence it is clear that as rightly pointed out by the petitioner the value of the suit property on date of presentation of the plaint is Rs.3,500/- per sq.ft. A reading of plaint would further indicate that instead of valuing the suit property for Rs.3,500 per sq.ft the respondent has under valued for Rs.2,345 /-.

10. In this backdrop, this court holds that the respondent has

undervalued the subject matter of the suit property and he has not paid proper court fee. While so, this court is inclined to fix a date for amending the plaint and also for the payment of proper court fee. Accordingly the point is answered.

In the result, the petition is allowed. The respondent is directed to value the subject matter of the suit land for Rs.3,500 per sq.ft for the relief of declaration and recovery of possession and to amend the plaint and also pay proper court fee within two weeks time. Otherwise the plaint shall be rejected. No cost.

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 24th day of November 2025.

Additional District Judge
Chengalpattu

List of Exhibits marked on petitioner's side:

1.Ex.P1- 24.7.2023- Letter issued by Sub-Registrar, Alandur to the petitioner which contains the guideline value for the suit property given by RTI.

Additional District Judge
Chengalpattu.

Draft/Fair Order
I.A.No.6/2024 in
O.S.No.269/2023
Dated:24.11.2025
ADJ/CPT
