



(IA.No.4 /2026 in OS.No.74/2024)

IN THE COURT OF DISTRICT MUNSIF, AUNDIPATTI.

PRESENT: Thiru. E. Suganthan, B.A., L.L.M.,

District Munsif, Aundipatti.

Wednesday, the 24th day of June 2026

IA. No : 04/2026

in

OS. No : 74/2024

CNR. No. TNTH140000982024

P.Veerammal

...Petitioner/ Plaintiff

..Vs..

1. Varadharaju

2. Rathinam

.... Respondents/Defendants

This Petition came up on 24.06.2026 before this court for final hearing in the presence of Mr.R.N.S.Amarnath Babu, Advocate for the Petitioner and Advocate Mr.Krishnamoorthy for the Respondents. Upon hearing on both the sides and having stood over till this day for my consideration, this court delivers the following...

ORDER

This petition is filed by the Plaintiff under Order VII Rule 10(A)(3) of CPC seeking to fix a date for appearance before the proper Court upon return of plaint.

1. The Plaintiff originally instituted the suit in O.S. No. 74/2024 for the relief of permanent injunction restraining the Defendants from interfering with the Plaintiff's alleged peaceful possession and enjoyment of the suit property. At the time of filing, the suit was valued at Rs.1000/- and a court fee of Rs.75.50/- was paid under Section 27(c) of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.



(IA.No.4 /2026 in OS.No.74/2024)

Based on such valuation, the suit was within the pecuniary jurisdiction of this Court and was taken on file.

2. Subsequently, the Plaintiff filed I.A. No.2/2026 seeking amendment of the plaint to include the relief of declaration of title over the suit property. The said application was allowed by this Court on 10.03.2026. Pursuant thereto, the plaint was amended and additional court fee was paid.

3. On perusal of the amended plaint, it is seen that the suit has now been valued at Rs.3,08,000/-, which exceeds the pecuniary jurisdiction of this Court. It is a settled principle that upon amendment of pleadings affecting valuation, the Court must reassess its jurisdiction. In view of the enhanced valuation, this Court lacks pecuniary jurisdiction to proceed with the suit. The said fact was intimated to the plaintiff counsel.

4. In this regard, the Plaintiff has filed the present petition under Order VII Rule 10(A)(3) CPC seeking fixation of a date for appearance before the proper Court, namely the Sub Court, Theni. Copies served on the Respondents. They have no objection in allowing this petition.

5. Heard the learned counsel for the plaintiff and perused the materials available on record. It is not in dispute that the suit value had exceeded the pecuniary limit of this Court after amending the plaint by the Plaintiff. Under Order VII Rule 10 CPC, when a Court finds at any stage that it lacks jurisdiction, the plaint is liable to be returned for presentation before the proper Court. However, on a application made by the party to the suit, this court can invoke the powers under Order VII Rule 10A (2) and (3) of the Civil Procedure code.

6. Under the said provisions, this court, notwithstanding that it have jurisdiction to try the suit, can return the plaint and transfer the same to the jurisdictional court to which the plaintiff proposed to send the plaint and also fix a



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date of appearance before the said court. Accordingly, the plaint is returned and sent to the Hon'ble Sub Court, Theni as per the proposal of the plaintiff in the application. The date of appearance of the parties is fixed as 03.08.2026. The notice of hearing is given to the counsel for both parties who present before this Court. With the above observations, the petition is allowed.

In the result,

- i. **The plaint in O.S. No. 74/2024 is directed to be returned and sent to the Hon'ble Subordinate Court, Theni.**
- ii. **The parties are directed to appear before the Hon'ble Subordinate Court, Theni, on 03.08.2026**
- iii. **It is made clear that the appearance of parties on the said date shall be treated as due service of notice, and no fresh summons need be issued.**

Typed and corrected by me directly in my Laptop, printed by steno-typist and pronounced by me in open court on 24th Day of June 2026.

**District Munsif,
Aundipatti.**

List of Petitioner side witnesses : Nil

List of Petitioner side documents: Nil

List of Respondents side witnesses: Nil

List of Respondents side documents: Nil

**District Munsif,
Aundipatti.**



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in
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Fair/ Draft Order
Dated: 24.06.2026