



IN THE COURT OF THE DISTRICT MUNSIF, DHARAPURAM

Present : Mr. R. Pandi Maharaja, B.Sc.,B.L.,

District Munsif, Dharapuram

On this 25th day of October 2025, Saturday

O.S.No.204/2022

CNR. No.TNTI0B0002302022

Nirmala

...Plaintiff

/Vs/

Jeyaseeli

...Defendant

The suit came up before me on 16.10.2025 for final hearing in the presence of the learned counsel Mr.C.Selvaraj B.A.,B.L., for plaintiff and Mrs.S.Jeyaseeli for defendant as party in person. Upon perusing the plaint, oral and documents adduced by both sides and upon hearing the arguments of both sides, having stood over till this day for consideration and this court delivers the following,

'ORDER'

1. This suit has been filed by the plaintiff for the relief of declaration of title over the suit property and consequential relief of permanent injunction against the defendant. During the pendency of the suit, this court has considered the plaint and the documents along with plaint, on 01.09.2025, a check slip was issued by this court vide D.No.389/2025 and adjourned the case for payment of court fees or objection. The said check slip issued by this court, which reads as under:-



“ The suit is filed for the relief of declaration and permanent injunction, that the suit properties belongs to plaintiff as per Will dated 24.07.2006 and court fees was paid for the said relief under section 25(b) of Tamil Nadu Court Fees and Suit Valuation Act,1955 for Rs.150+ Rs.30 = Rs.180/- as the property value was not mentioned in the Will. Since, the suit is filed for the relief of declaration and permanent injunction for specific schedule mentioned suit property, the suit property shall be valued under section 25(b) of Tamil Nadu Court Fees and Suit Valuation Act 1955, as on one half of market value of property and the plaint is to be amended accordingly. Hence, it is hereby directed to pay correct court fee for suit schedule mentioned property on or before next hearing.”

2. A check slip is typically issued after a plaint is filed, indicating that the court has reviewed the initial filing and identified any deficiencies, such as insufficient court fees. If the plaintiff does not address the identified deficiencies within the time specified by the court, the court can reject the plaint under Order VII, Rule 11(b) of the Civil Procedure Code. The Order VII, Rule 11(b) of C.P.C., is as follows:

“11. Rejection of plaint— The plaint shall be rejected in the following cases:—

(a)



(b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;

(c)

(d)

[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.]"

3. It is relevant to point out here that the Hon'ble Madras High Court observed in the judgment rendered in Kolisetti Basavayya and others vs Mittapalli Venkatappayya and another reported in 1926 (51) MLJ 90 : 1926 AIR(Mad) 676 as follows:

" 7. Order 7, Rule 11 declares that when a plaintiff does not pay the deficit Court-fee within a time to be fixed by the Court, the plaint shall be rejected."

4. It is further beneficial that referring the observations of the Hon'ble Division Bench of Orissa High Court in Sri Ainthi Dalabehera and others



Vs Government of Orissa and others reported in 1992 (1) OriLawRev 154” held as follows:-

“11.Where on a reading of the plaint the Court is of the opinion that the suit is undervalued, it shall, as required by Order 7, Rule 11 call upon the plaintiff to correct the valuation within the time fixed by it and on his failure to do so, shall reject the plaint. This is a case where the plaint itself discloses undervaluation. It is manifestly clear from the provisions contained in Order VII, Rule 11 (b) that a Court has to come to a finding that the relief claimed has been undervalued, which necessarily means that the Court is able to decide and specify proper and correct valuation of the relief and after determination of the correct value of the relief, requires the plaintiff to correct his valuation within a time to be given by the Court and if the plaintiff does not correct the valuation within the time allowed, the plaint is liable to be rejected.”

5. Moreover, the decision of a Division Bench of Hon’ble Madras High Court in Sriramulu Chettiar v. Raja Chettiar and Ors. , wherein it has been ruled that where a Judge finds that a plaint has not been properly valued he should in accordance with the provisions of Rule 11 of Order VII, C.P.C, direct the plaintiff to value it properly and only after his failure to do so, reject the plaint.



6. After carefully going through all the above decisions, I am of the view that a plaint can be rejected at any stage of the suit under Order VII, Rule 11(b), C.P.C., if the plaintiff has failed to make correction in undervaluation of suit property due within the time granted by the Court and that the proper course for the court would be only to reject the plaint.

7. Now, coming to the case on hand it may be pointed out that the plaint in this case has been admitted, as I have already pointed out only subject to the question of undervaluation of suit property and the check slip was issued. Further, the counsel for the plaintiff filed a memo as objection to the check slip as that, the court fee was paid under section 7(2) of Tamil Nadu Court Fees and Suit Valuation Act 1955 and on 09.10.2025, a petition filed by the plaintiff to alter the court fee was returned. It is pertinent to point out here, the petition filed on 09.10.2025 was returned by this court and the same has not been represented after compliance as on date. Hence, the plaintiff is never ready to correct the undervaluation and for payment of correct court fee.

8. It is relevant to point out here that, a suit for declaration of title over a property must be valued according to the Schedule mentioned property of the said suit. It appears that the details of the property is clearly mentioned in this suit schedule with survey number along with extent. At the same time, the suit was valued by the plaintiff as a sum of Rs.10,000/- as if there is no value for the property was mentioned in the Will. It is pertinent to here point out that,



the subject matter is declaration of title over the schedule of property in this suit and not against the Will. Hence, the suit to be valued for the schedule mentioned suit property. Moreover, the schedule of property itself very clear and the plaintiff is also able to value the suit property, the valuation of suit property as a sum of Rs.10,000/- is not at all acceptable and this court has also given opportunity to the plaintiff for correction of undervaluation by issuing check slip in D.No.389/2025 dated 01.09.2025.

9. In view of the above discussion and considering the facts and circumstances, the plaintiff has miserably failed to take steps to correct the valuation of the suit property even after given opportunity to hem by issuing check slip in D.No.389/2025 dated 01.09.2025 and thus the Court is inclined to reject the plaint. Accordingly, the plaint is rejected under Order VII, Rule 11(b) of C.P.C., without costs.

Typed by steno-typist checked, corrected and pronounced by me in Open Court on 25.10.2025.

District Munsif,
Dharapuram.

Fair/Draft Order
O.S.No.204/2022
25.10.2025
DMC,DPM

O.S.No.204/2022



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