



IN THE HIGH COURT OF JUDICATURE AT MADRAS

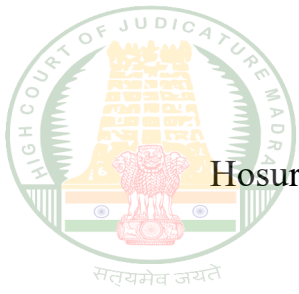
DATED: 24-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 634 of 2026
and CMP.No.3469 of 2026**

1. L.N.Vasudeva Reddy
S/o.Late Lakshminarayana Reddy,
D.No.1/5, Chennathur Village, Hosur,
Krishnagiri 635 109
2. L.N.Leelavathi
D/o.Late Lakshminarayana Reddy,
D.No.2/38-A, Kasuvagatta Village,
M.G.R.College Post, Hosur Tk,
Krishnagiri 635 109.
3. L.N.Mopiri Reddy
S/o.Late Lakshminarayana Reddy,
D.No.1/100, chennathur Village, Hosur Tk,
Krishnagiri 635 109.
4. L.N.Umasankar Reddy
S/o.Late Lakshminarayana Reddy,
D.No.1/100, Chennathur Village, Hosur Tk,
Krishnagiri 635 109.
5. L.N.Ravikumar Reddy
S/o.Late Lakshminarayana Reddy,
d.No.1/91, Chennathur Village, Hosur Tk,
Krishnagiri 635 109.
6. L.N.Geetha Lakshmi
W/o.Jayaprakash Narayana Reddy,
D.No.2/267, D.Kothannur Village,
Arasakuppam post,
Denkanikottai Tk,
Krishnagiri 635 107
7. V. Nandha Kumar
S/o.L.N.Vasudeva Reddy,
D.No.1/5, Chennathur Village,



Hosur Tk, Krishnagiri 635109

..Petitioner(s)

Vs

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1. L.N.Jayasankara Reddy
S/o.Late Lakshminarayana Reddy,
No.MIG-253, TNHB Phase-VI,
Avalapalli HUDCO Basthi,
Main Road, Hosur Tk, Krishnagiri
2. S.Lavanya
W/o.L.N.Jayasankara Reddy,
No.MIG-253, TNHB Phase VI,
Avalapalli HUDCO Basthi,
Main Road, Hosur Tk, Krishnagiri.
3. L.N.Ramachandra Reddy
S/o.Late Laksminarayana Reddy,
D.No.1/5-6, chennathur Village, Hosur Tk,
Krishnagiri 635 109

..Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to call for the records in IA.No.7/2024 in OS.No. 559/2023 on the file of Honble Additional District Court of Hosur and set aside the order dated 12.9.2025.

For Petitioner(s):	MR.AASHISHJAIN LUNIA
For Respondent(s):	MR.N.MANOKARAN FOR R1

ORDER

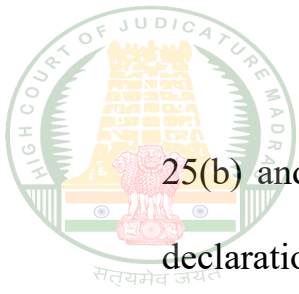
Challenging the order passed by the Trial Judge in I.A. No.7 of 2024, the defendants have preferred the present revision.



2. Before the Trial Court, the defendants filed an application to reject the plaint on the ground that the suit was not properly valued and that valuation ought to have been made under Section 40 of the Tamil Nadu Court Fees and Suits Valuation Act, whereas improper court fee had been paid. On that ground alone, according to the defendants, the plaint ought to have been rejected. It was further contended that, under Article 58 of the Limitation Act, the suit ought to have been filed within three years, whereas there was a delay of seven years from the date of partition and, therefore, the suit was barred by limitation. Hence, they prayed for rejection of the plaint.

3. Before the Trial Court, the plaintiff contended that proper court fee had been paid and that the defendants had caused interference with the plaintiff's possession and enjoyment of the property. Hence, the suit was filed to protect their right and title, and the suit was well within limitation.

4. Considering the rival submissions, the Trial Judge, relying upon the ratio laid down in *Mallavva and another vs. Kalsammanavara Kalamma (since dead) [Civil Appeal No.14803 of 2024 dated 20.12.2024]*, wherein the Hon'ble Supreme Court of India held that when the issues raised between the parties involve mixed questions of law and fact, which can be decided only after full-fledged trial. The Trial Court further held that the objections regarding valuation were not sustainable, since court fee had been paid under Sections



25(b) and 27(c) of the Tamil Nadu Court Fees Act, and the suit was one for declaration in respect of “A” and “B” Schedule properties based on possession.

Accordingly, the petition was dismissed. Aggrieved thereby, the present revision has been filed.

5. The learned counsel for the petitioners/defendants submitted that even on a bare perusal of the partition deed executed between the parties, the “E” Schedule property allotted to the plaintiffs’ was valued at more than Rs.1.41 crores, but the property was not valued by showing its correct value as reflected in the partition deed. Therefore, the court fee paid is not proper and on that ground, the plaint ought to have been rejected. It is further contended that the suit was not filed within three years from the date of the partition deed and therefore, there is no subsisting cause of action and the suit is barred by limitation.

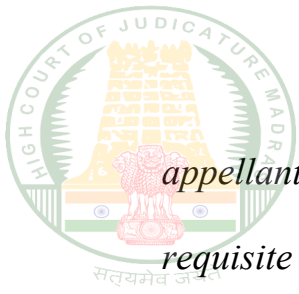
6. By way of reply, the learned counsel for the respondents/plaintiffs submitted that even assuming the court fee had not been properly valued, there is a remedy available before the Trial Court and the plaint cannot be rejected on that ground. In support of the same, reliance was placed on the decision in Marg Limited vv. Sushil Lalwani and Others [2026 SCC Online SC 647], wherein in paragraphs 34 and 35 it was held as under:

“34. Moreover, it is pertinent to note that the High Court has merely



recorded a conclusion that the suit is undervalued, without undertaking the necessary exercise of determining what, in its view, would constitute the proper valuation of the suit or the court fee payable in accordance with law. In the absence of such a finding, the direction, if any, to correct the valuation could not have been meaningfully complied with by the plaintiff. The failure to record such a determination further vitiates the impugned order, In the present case, even assuming that the relief sought by the appellant was undervalued and that the court fee paid was deficient, the High Court, instead of directing the appellant to correct the valuation and make good the deficit court fee, proceeded to reject the plaint outrightly. Such a course of action is clearly contrary to the express mandate of the provision.

35. The requirement to grant an opportunity is not a mere procedural formality, but a substantive safeguard intended to ensure that a litigant is not non-suited on a curable defect. The deficiency in valuation or court fee does not, by itself, render the suit non-maintainable at the threshold. It is a defect which is capable of being remedied, and the law expressly provides a mechanism for such rectification. The High Court, in overlooking this statutory requirement, has effectively denied the appellant an opportunity to cure the defect, thereby defeating the very object underlying clauses (b) and (c) of Order VII Rule 11. The impugned order, to this extent, therefore, suffers from a manifest error of law. Accordingly, the proper course would be to set aside the rejection of the plaint on this ground and to direct the trial court to afford the



appellant an opportunity to correct the valuation of the suit and to pay the requisite court fee within such time as may be fixed, in accordance with law.”

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7. It was further submitted that pursuant to the partition deed of the year 2016, the parties have been in possession and enjoyment of their respective properties and the deed has been acted upon. It is only when the defendants unlawfully laid claim over the property and caused interference that the plaintiffs were constrained to file the present suit for declaration and recovery. Therefore, the cause of action survives and the suit is not barred by limitation.

8. Considering the rival submissions and on perusal of the records, it is seen that the plaintiffs have come forward with the suit against the defendants, who are their brothers and sister. Admittedly, a partition had taken place in the family in the year 2016, under which the “E” Schedule property was allotted to the plaintiffs. It is also stated that the plaintiffs subsequently purchased a portion of the property from one of the defendants through a settlement deed. Thereafter, dispute arose between the parties and allegations of interference were made, leading to the filing of the suit for declaration and recovery to establish the plaintiffs’ right and title over the property.

9. The ratio laid down in *Mallavva V.Kalsammanavara Kalamma’s* case squarely applies to the facts of the present case. If there is any dispute with



regard to valuation and court fee, appropriate remedy is available before the Civil Court, and on that ground alone the plaint cannot be rejected. The findings of the Trial Court, therefore, require no interference. This Court finds no merit in the revision and the same is dismissed.

10. Accordingly, this Civil Revision Petition stands dismissed. However, liberty is granted to the defendants to raise all their defences before the Trial Court, uninfluenced by any observations made in this order. No costs. Consequently, connected miscellaneous petition is closed.

24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MPA

To

1. The Additional District Court, Hosur.
2. The Section Officer, VR section,
High Court of Madras.



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CRP No. 634 of 2



T.V.THAMILSELVI, J.

MPA

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