

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7269 OF 2022  
(Arising out of S.L.P.(Civil)No.16321 of 2016)

S. SUGANYA & ORS. ...Appellant(s)

Vs.

K. SIVAKUMAR & ORS. ...Respondent(s)

O R D E R

Leave granted.

2. The above appeal arises out of an order passed by the High court of Judicature at Madras in a Civil Revision Petition confirming an order passed by the trial Court in an application taken out by the second defendant under Section 12 of the Tamil Nadu Court Fees and Suit Valuation Act, 1955 (for short "The Act").

3. We have heard learned counsel for the parties.

4. The appellants herein filed the suit being O.S.No.153 of 2009 on the file of the Principal District Munsif, Erode praying for a declaration that a particular gift deed executed in favour of the defendants was null and void.

5. The suit property was valued at Rs.75,000/- (Rupees seventy five thousand) and the court fee had been paid by the appellants.

6. Upon receipt of summons, the first defendant moved an application in IA No.451/2010 under the Act, for a proper valuation of the suit. The said application was disposed of by the Principal District Munsif by an order dated 9<sup>th</sup> February, 2011 holding that even as per the document, the valuation of the property was more than Rs.1,00,000/- (Rupees one lakh) and since the pecuniary jurisdiction of the Principal District Munsif, Erode at that time was Rs.1,00,000/- (Rupees one lakh), the plaint ought to be returned under Order 7 Rule 10 of the Code of Civil Procedure, 1908.

7. Subsequently, after the suit got transferred to the Subordinate Court, Erode the second defendant moved a fresh application under Section 12 of the Act, which came to be allowed by the Subordinate Court. The order of the Subordinate Court was challenged by the plaintiffs before the High Court in a revision. The High Court dismissed the revision forcing the plaintiffs to come up with the above appeal.

8. It may be true that the order of the Principal District Munsif, Erode in O.S.No.153/2009 dated 9<sup>th</sup> February, 2011, was eventually under Order 7, Rule 10, CPC but nevertheless the said order disposed of the application filed by the first defendant under Section 12 of the Act. Once an application of the same nature had been disposed of one way or the other, there is no scope for filing a fresh application under the same provision. Therefore, the appeal is allowed. The impugned order of the High Court confirming the order of the trial Court is set aside. The trial Court is directed to proceed with the trial of the suit from the stage at which it was slated.

10. In view of the fact that the suit is of the year 2009, the trial Court shall endeavour to dispose of the suit within a period of six months.

.....J.  
[S.ABDUL NAZEER]

.....J.  
[V.RAMASUBRAMANIAN]

New Delhi;  
October 13, 2022.

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 16321/2016

(Arising out of impugned final judgment and order dated 05-11-2015 in CRPPD No. 3162/2014 passed by the High Court of Judicature at Madras)

S. SUGANYA & ORS. Petitioner(s)

VERSUS

K. SIVAKUMAR & ORS. Respondent(s)

Date : 13-10-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Ms. V.Mohana, Sr. Adv.  
Mr. B.Karunakaran, Adv.  
Mr. K.Balambihai, Adv.  
Mr. M.Dinesh Kumar, Adv.  
Ms. Tanisha Samanta, Adv.  
Ms. Sneha Sanjay Botwe, Adv.  
Mr. S. Gowthaman, AOR

For Respondent(s) Mr. R.Ganesh, Adv.  
Mr. G. Balaji, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any, also stands disposed  
of.

(ANITA MALHOTRA)  
AR-CUM-PS

(KAMLESH RAWAT)  
COURT MASTER

(Signed order is placed on the file.)