



C.R.P(MD)No.1172 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1172 of 2023

Suresh Babu

... Petitioner/Plaintiff

Vs.

1.Venkadasamy

2.Uma

3.Venkatakrishnan

4.The Sub Registrar,
Sattur Town and Taluk,
Virudhunagar District.

5.The District Collector,
Virudhunagar District,
Virudhunagar.

...1 to 5 Respondents/
1 to 5 Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the District Judge, Virudhunagar to take on file and number the plaint in Un-Numbered O.S.No. of 2023 pending in file No.TNURO 10019512023 dated 20.03.2023 on the file of the District Judge, Virudhunagar and to decide the same on merits in accordance with law within a time frame fixed by this Court.



C.R.P(MD)No.1172 of 2023

For Petitioner : Mr.N.Mariappan

For R-4 & R-5 : Mr.S.Kameswaran
Government Advocate

ORDER

The present Civil Revision Petition has been filed to direct the District Judge, Virudhunagar to take on file and number the plaint in Un-Numbered O.S.No. of 2023 pending in file No.TNURO 10019512023 dated 20.03.2023 on the file of the District Judge, Virudhunagar and to decide the same on merits in accordance with law.

2. The petitioner is the plaintiff in unnumbered O.S.No. of 2023 before the District Court, Srivilliputhur. The said suit has been for declaration of the suit schedule property belongs to the petitioner, who send the money for purchase of the suit schedule property. The District Court, Srivilliputhur has returned the plaint filed by the petitioner with the following defects:

"1.வாதிக்கு தாவா சொத்து பாத்தியம் என்பதற்கு ஆவணம் தாக்கல் செய்ய நிலையில் முதல் பரிகாரம் எவ்வாறு கோரி வழக்கு தாக்கல் செய்ய இயலும்.

2.ஆவணப் பட்டியல் தேதி குறிப்பிடவும்

3.கூடுதல் தாள்கள் இணைக்கவும் காலக்கெடு ஒரு மாதம்"



C.R.P(MD)No.1172 of 2023

3. It is the case of the petitioner that there are bank transactions, which indicate that the petitioner has paid the amount to the third respondent on 30.05.2016, 31.06.2016 and 01.06.2016 for a sum of Rs.36,00,000/- for purchase of the suit schedule property for sum of Rs.34,50,128/-.

4. Considering the above, there shall be a direction to the learned Principal District Judge, Srivilliputhur to number the suit. It is open for the petitioner to let in oral evidence to substantiate that the sale was made in favour of the first respondent out to the amount that was sent by the petitioner to the third respondent, namely, his brother-in-law.

5. Consequently, the present Civil Revision Petition stands allowed with the above observations. It is made clear that any observations made in the order shall not construe as a final determination on the issue between the petitioner and the respondent in the above suit, which has yet to be numbered. No costs.

28.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn



C.R.P(MD)No.1172 of 2023

Note: Registry is directed to return the original copy of the plaint and stamp duty paid for representation before the District Court, Srivilliputhur.

To

- 1.The District Judge,
Virudhunagar.
- 2.The Principal District Judge,
Srivilliputhur.
- 3.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.1172 of 2023

C.SARAVANAN,J.

SN

C.R.P(MD)No.1172 of 2023

28.04.2023