



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP No. 2465 of 2026

M.Babu

..Petitioner(s)

Vs

1. Thimappa
2. Rathnamma
3. Abhi
4. Archana
5. Vasanthamma
6. Madhevappa
7. Raghu
8. Assistant Commissioner (CT),
Office of Assistant Commissioner,
Hosur South, 1st Floor,
Seetharam Nagar, Bangalore Road,
Near Old Bus Stand, Hosur - 635 109.
9. The Sub Registrar,
Office of Sub Registrar,
Hosur Mani Road,
Kelamangalam - 635 113.

..Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 03.03.2026 passed in Un. O.S. No..../2026 in 19th Register No.923 of 2026 on the file of the learned Subordinate Judge, Denkanikottai and direct the Court below to take the plaint on the file and number the same.

For Petitioner(s):

For Respondent(s)

Mr.R.Subramanian

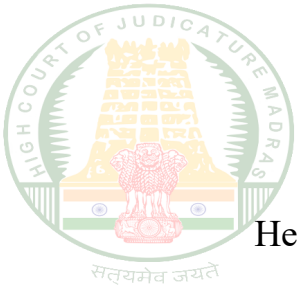
for Mr.A.Venkateshkumar

Not Ready in Notice for R1 to R4

No Appearance for R5 to R7

Mrs.S.Yogalakshmi,

Government Counsel for R8 and R9

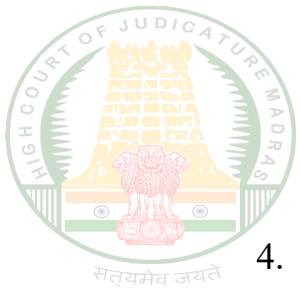


ORDER

Heard Mr.R.Subramanian, for Mr.A.Venkateshkumar, learned counsel for the petitioner and Mrs.S.Yogalakshmi, learned Government Counsel for official respondents.

2. At the outset, Mr.R.Subramanian, learned counsel for the revision petitioner would state that since no relief has been sought for against the respondents 8 and 9 in the original suit, the petitioner is willing to not press the revision as well as the suit against the respondents 8 and 9. The same is recorded.

3. Insofar as the impugned order, the learned counsel for the petitioner, Mr.R.Subramanian, would state that the suit is one for partition and separate possession and also for declaration to challenge the settlement deed, defeating the rights of the revision petitioner/plaintiff. The Trial Court has proceeded to pass a detailed order rejecting the plaint even at the stage of numbering. This practice has been deprecated by this Court repeatedly and in fact, in *Selvaraj and others Vs. Koodankulam Nuclear Power Plant India Limited*, reported in 2021 4 CTC 539, detailed instructions to be followed by the Trial Court at the stage of numbering of the suit, have also been issued.



4. It is a classic case where the said directions are clearly flouted and not complied with. The suit being one for partition and declaration was very well maintainable under Section 9 of the CPC. Unfortunately, the Court without even affording an opportunity to the Counsel for the plaintiff to argue on maintainability, proceeded to pass a detailed rejection order, without numbering the suit. In fact, even recently this Court in *J.Logeswaridas Vs. Renu Sivakumar*, reported in 2026 2 L.W.281, held, following the judgment of the Hon'ble Supreme Court in *P.Surendran Vs. State by Inspector of Police*, reported in 2019 (9) SCC 154, that the act of numbering was purely administrative in nature and even maintainability can be decided only on the judicial side. In the case of *Selvaraj* (referred herein supra) as well, this Court held that the Court cannot take up the role of the defendant, and the application of maintainability or otherwise can always be considered after the plaint is numbered and summons are served on the defendant.

5. In view of the above, the order dated 03.03.2026 passed in Un.O.S. No.../2026 in 119th Register No.923 of 2026 on the file of the learned Subordinate Judge, Denkanikottai is set aside and the matter is remitted to the Trial Court. It is also brought to the notice of this Court that the original plaint is lying with the Registry of the Subordinate Court, Denkanikottai. The Sub Court shall number the suit if it is otherwise in order, after recording the factum



P.B.BALAJI J.

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of giving up the official respondents and issue summons to the other defendants and the suit shall be disposed of on merits and in accordance with law, thereafter.

6. With the above direction, this Civil Revision Petition is allowed. No costs.

08-07-2026

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

RKP
Note: Issue copy on 10.07.2026.

To
The Subordinate Judge, Denkanikottai.

CRP No. 2465 of 2026