

C.R.P(MD)No.1989 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1989 of 2023

Kumaresan Asari

.. Petitioner

Vs.

1.V.S.Rethina Kumari
Managing Director,
Palliyadi Rethna Chit Fund Private Limited,
Nagercoil, W/o Late, Kanakaraj.

2.Bankar Sharmilin
3.Ascar Shanshone
4.Heldone Gold Rimoleet
5.Kinitor Cardin
6.Jonaskha Shibi Raldi
7.Praveen

8.The Sub Registrar,
Sub Registrar Office,
Eraniel, Neyyoor Post,
Eraniel Village, Kalkulam Taluk,
Kanyakumari District.

9.The Assistant Registrar (Chits)
Kanyakumari District,
District Registrar Office,
Nagercoil, Nagercoil village,
Agasteeswaram Taluk,
Kanyakumari District.

.. Respondents



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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned District Munsif Court, Eraniel to number the plaint in O.S.SR.No.21/2023 and proceed in accordance with law and thus render justice.

For Petitioner : Mr.A.Balakrishnan

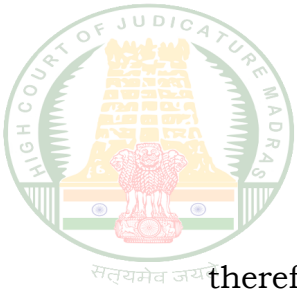
For Respondents : M/s Banupriya for R7

Mr.L.Siva
Govt. Advocate (civil) for R8 and R9

ORDER

The Civil Revision Petition has been filed seeking a direction to the District Munsif Court, Eraniel to number the plaint in O.S.SR.No. 21/2023 presented by the petitioner.

2.The petitioner herein filed a suit seeking declaration that the award passed by the 9th defendant, the Assistant Registrar (Chits) dated 05.12.2018 was barred and hence, in-executable one and for consequential relief. The plaint was returned by the Trial Court on 13.03.2023 raising the issue of maintainability. The petitioner re-presented the plaint on 25.04.2023 stating that, under Section 9 of the Code of Civil Procedure, the Civil Court has jurisdiction to try all civil suits unless its jurisdiction is expressly or impliedly barred, and



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therefore, the suit was maintainable. However, the plaint papers were again returned on 28.04.2023 stating that the award passed by the 9th defendant subject to appeal and hence, how the suit is maintainable. The petitioner, without offering his explanation for specific return made by the trial Court dated 28.04.2023, rushed to this Court by filing this petition seeking a direction to the trial Court to number the plaint. If the Trial Court raises a question regarding the maintainability of the suit, the petitioner is entitled to offer his explanation and represent the plaint and the explanation offered by the petitioner shall be considered by the Trial Court in accordance with law. If the Trial Court is not satisfied with the explanation offered by the petitioner, the matter shall be called in open Court, the petitioner shall be afforded a reasonable opportunity of hearing, and thereafter, appropriate orders shall be passed on the question of maintainability on its own merits.

3. Therefore, this Court is not inclined to issue a direction to the Trial Court to number the plaint. However, the petitioner is directed to represent the plaint before the Trial Court within a period of two weeks from the date of receipt of a copy of this order, offering his explanation for the return made by the Trial Court on 28.04.2023. If the Trial Court is not satisfied with the explanation offered by the



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petitioner, the Trial Court shall list the matter in open Court, afford the petitioner an opportunity of hearing, and thereafter, pass appropriate orders on merits and in accordance with law.

4. With the above directions, the Civil Revision Petition stands disposed of.

5. The Registry is directed to return the original plaint papers in O.S.S.R. No. 21/2023 to the learned counsel for the petitioner forthwith, to enable him to re-present the same before the trial Court within the time stipulated above. No costs.

10.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn
To

1.The District Munsif Court, Eraniel.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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