



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.197 of 2015

WEB COPY

Karuppasamy

... Revision Petitioner

vs.

1.Ramalakshmi

2.Selvi

... Respondents

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned trial Court to take up the case in O.S.No.unnumbered of 2014 dated 12.12.2015 on the file of the learned Principal District Munsif, Madurai Town.

For Petitioners : Mr.S.M.A.Jinnah

O R D E R

No notice is necessary to the respondents as this Court intends to direct the trial Court to dispose of the suit at the earliest and it would not cause any prejudice to the respondents.

2.This revision is filed against the return of plaint without being numbered for certain compliance.

3.The first return was that the will executed in favour of the plaintiff is not probated. The second return was that the suit is not maintainable on the question of pecuniary jurisdiction. It was represented by the plaintiff as follows;

"1.Probate of will is not applicable to Madurai city and it is only applicable to Chennai. Hence it is not mandatory to probate the will and the question of probate will not arise.

2.Since the plaintiff is not a party to the sale deed dated 30.09.2013, the Court fee shall be calculated under Section 25(d) of TNCFSV Act. Hence the Court has pecuniary jurisdiction and the plaint is maintainable and the same has been affirmed in 2006(5) CTC 255, and the authority is produced herewith. Hence the plaint is re-presented.

4.Without considering the explanation given by the learned counsel for the plaintiff, the plaint was returned in a mechanical manner. Then the learned counsel has explained the return as required by the Registry and represented. It is the duty of the Court to consider the return before passing of any order.

5.The learned District Munsif, Madurai without application of mind has returned it without considering the explanation given by the plaintiff.

6.In view of the above, this Court directs the petitioner to represent the plaint before the District Munsif Court, Madurai and the District Munsif, Madurai is directed to consider it and act accordingly. No costs.



The Registry is directed to return the original plaint to the petitioner.

Sd/-

Assistant Registrar(AS)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar

To
The Principal District Munsif,
Madurai.

Copy to:
The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.M.A.Jinnah,Advocate, SR.No.11124

C.R.P. (MD) .No.197 of 2015
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