

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.R.SHIVAKUMAR.J

C.R.P.PD.No.144 of 2016

Sindhu,
D/o. Rajansamukuttan
42/19, Thyphoon Alican Street,
Triplicane, Chennai -5,
Represented through her Special Power of Attorney
Mr.Rajansamukuttan,
S/o.P.R.Kirushnan

... Petitioner

Versus

1. The Deputy Commissioner,
Department of Registrar of Births and Deaths,
Corporation of Chennai, Chennai.
 2. The Registrar,
Registrar of Births and Deaths,
Corporation Building,
Corporation of Chennai, Chennai
- .. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, directing to take on file O.S.S.R.No.31705 of 2015, on the file of the I Assistant City Civil Court at Chennai, and according to the procedure established by law.

For Petitioner : Mr.C.Selvaraju, Senior Counsel
for Mr.B.Baskaran

ORDER

This Civil Revision Petition has been filed challenging the order dated 21.08.2015, passed by the learned I Assistant Judge, City Civil Court, Chennai, returning the plaint in C.F.No.31705 on the ground that the said Court has no jurisdiction to entertain the suit, as per G.O.No.167, Local Self Government, dated 19.12.1929.

2. Mr.C.Selvaraju, learned Senior Counsel represented on behalf of Mr.B.Baskaran, learned Counsel for the petitioner, besides submitting that he could not lay his hands on any such Government Order and that even if there was any such Government Order, that came to be superseded by a subsequent legislation, pursuant to which fresh rules came to be framed and gazetted, under different G.Os, wants permission of this Court to withdraw the Civil Revision Petition preferred under Article 227 of Constitution of India with liberty to re-present the plaint in the Court below after rectifying the defects, if any pointing out the above said fact of supersession of a subsequent enactment and rules framed therein. An endorsement to that effect has been made by the learned counsel for the petitioner.

3. Endorsement is recorded. The Civil Revision Petition is dismissed as withdrawn and liberty sought for is granted.

4. The petitioner shall have time till 18th February 2016 for re-presentation of the plaint after rectification and with explanation. In case, it is represented on or before 18.02.2016, the Court below shall receive it without insisting upon filing a petition to condone the delay of representation and proceed according to law. No costs.

02.02.2016

Index: Yes / No
Internet: Yes/No

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The Registry is directed to return the original plaint to the learned Counsel for the petitioner for being represented in the Court below

To

1. The Deputy Commissioner,
Department of Registrar of Births and Deaths,
Corporation of Chennai, Chennai.
2. The Registrar,
Registrar of Births and Deaths,
Corporation Building,
Corporation of Chennai, Chennai

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