

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(P.D.) No.2994 of 2016

K.Suresh

...Petitioner

Versus

1. Mr.Dhanasekaran
2. Mr.V.Gajendran
3. Mrs.D.Usha
4. Mrs.P.K.Thilagavathi
5. Mr.S.Govindaraj
6. Mr.P.Prasanth Lodha
7. Mr.Sajjan Lodha
8. Mr.Nitin Jain
9. M/s.Mangal Foundation,
Rep.by its Partner, Mr.Dinesh Sharma,
No.2, Sundarlal Sharma,
No.2, E.K.Agraharam Street, Chennai - 3.
10. The Sub Registrar,
SRO Guduvancherry.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned District Munsif Court Judge, Chengalpet to number the suit in O.S.SR.No.2822 of 2015 on the file of District Munsif Court, Chengalpet.

For Petitioner : Mr.V.Lakshminarayanan

ORDER

The Complaint filed by the petitioner was returned by the Trial Court on multiple occasions. It was returned finally on 28.04.2016. Since sufficient reasons were not furnished by the learned Trial Judge, as to why the suit was returned, the petitioner has come up with this Civil Revision Petition.

2. Heard the learned counsel for the petitioner.

3. The Trial Court returned the complaint to the petitioner primarily on the ground that proper court fee has not been paid under section 40(1) of Tamil Nadu Court Fees and Suit Valuation Act.

4. The petitioner has taken up a contention that he is not liable to pay court fee as per Section 40(1) Tamil Nadu Court Fees and Suit Valuation Act in view of the execution of document, even after informing the power agent not to act on the Power of Attorney. The said aspect appears to have been omitted to be noted by the learned Trial Judge. I am therefore of the view that opportunity should be given to the petitioner to re-present the complaint before the learned District Munsif Court at Chengalpet.

5. The petitioner is given three weeks time from today to re-present the plaint before the Trial Court along with his explanation to the return memo dated 28.04.2016. The learned Trial Judge is directed to consider the remarks made by the petitioner and pass a speaking order. In case, the Trial Judge is of the view that the plaint could be numbered, it is open to him to number the plaint.

The Civil Revision Petition is disposed of with the above direction. No costs.

27.09.2016

Index:Yes/No

kmi/ds

Note to Office:- Issue order copy on 30.09.2016

To

The District Munsif Court,
Chengalpet.

K.K.SASIDHARAN, J.

kmi/ds

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