

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.)No.3001 of 2016

A.Kunjammal

...Petitioner

versus

1.T.Francis Rajkumar

2.M.Srinivasan

3.S.Thangam

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the registry of the Principal District and Sessions Court, Tiruvallur to number the suit in O.S.Sr.No.421 of 2015 which was presented on 04.02.2015.

For Petitioner : Mr.K.A.Mariappan

ORDER

In view of the limited prayer made, the Civil Revision Petition is taken up during the time of admission. Notice to the respondents is dispensed with.

2. The suit filed by the petitioner before the VI Additional Judge, City Civil Court, Chennai was returned for presentation to a proper court pursuant to the order dated 6 November 2014 in I.A.No.2336 of 2014 in

O.S.No.5010 of 2011. The application was filed by the third defendant on the ground that the Court at Chennai has no jurisdiction to entertain the suit. The petitioner pursuant to the order dated 6 November 2014 re-presented the suit before the Principal District and Sessions Court at Tiruvallur on 04.02.2015. It is the grievance of the petitioner that inspite of approaching the Principal District and Sessions Court at Tiruvallur on multiple occasions, action was not taken to re-number the suit.

3. Heard the learned counsel for the petitioner.

4. The petitioner has produced a copy of the order dated 06.11.2014 indicating that the Trial Court has returned the plaint for presentation to a proper court. The petitioner re-presented the suit before the Principal District and Sessions Court, Tiruvallur, as early as on 04.02.2015. The failure on the part of the Principal District and Sessions Court at Tiruvallur to take the suit on file made the petitioner to come up before this Court invoking the supervisory jurisdiction under Article 227 of the Constitution of India.

5. When a suit is presented in compliance of the order passed by

another court on the ground of jurisdiction, it is the duty of the transferee court to take up the matter as expeditiously as possible. The litigant cannot be dragged from pillar to post by the Court.

6. The learned Principal District and Sessions judge, Tiruvallur is directed to number the suit presented by the petitioner vide O.S.Sr.No.421 of 0215, within two days from the date of receipt of a copy of this order, if the same is otherwise in order.

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

23.09.2016

Index : Yes/No

Note : Issue order copy by 26.09.2016)

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To

The Principal District and Sessions Court, Tiruvallur

K.K.SASIDHARAN, J.

(svki)

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