



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 25.11.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P (NPD) (MD) No.2240 of 2016

Jeyalakshmi

.. Petitioner/Plaintiff

vs.

1.Ponnusamy

2.Sudharakani

3.Thangaraj

4.Thangadurai

5.Sivakami

...Respondents 1 to 5

6.Malliga Kalaiarasi

7.Gnaniah

...Respondents 6 and 7/Defendants

8.Veldurai Nadar

9.Ramasundari

10.Sermadurai

11.Muthuselvan

12.Narayanan

...Respondents 8 to 12/Defendants

13.Ravichandran

...Respondents/defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the return of the plaint of the petitioner pending in unnumbered O.S.SR.No.5761 of 2006, on the file of the Sub-Court,Valliyoora, Tirunelveli District.

For Petitioner : M/s.S.R.Anbarasu

ORDER

This revision has been filed under Article 227 of the Constitution of India, against the return of the plaint of the petitioner pending in unnumbered O.S.SR.No.5761 of 2006, on the file of the Sub-Court,Valliyoora, Tirunelveli District.

2.The Sub-Court, Valliyoora has returned the plaint of the Petitioner in O.S.SR.No.5761 of 2016, for the following reasons:

1.Suit is filed for partition and separate possession. But in the valuation slip, partition alone is mentioned.



2. Draft certificate of Thangapazham Nadar and Annakili to be filed.

3. Necessary documents to be filed showing the man missing of Narayana Nadar.

4. Legal Heir Certificate of Vallaiiah Nadar and Muthiah Nadar to be filed.

5. All the corrections are to be attested.

6. A clean copy of the plaint to be attached.

3. Out of the aforesaid defects pointed out by the Court below, the revision petitioner undertakes to comply with the Return Nos. 1, 5 and 6 and as far as the remaining Return Nos. 2, 3 and 4 is concerned, the Court below cannot refuse to number the plaint for the non-compliance of the above said returns and it can be decided after numbering the suit. It is for the plaintiff to establish the same before the Court below after numbering the suit, for the above said defects.

4. In view of the submission made by the learned counsel for the Petitioner that the revision petitioner undertakes to comply with the Return Nos. 1, 5 and 6 and represent the plaint copy within one week from the date of receipt of a copy of this order, the trial Court is directed to number the suit in O.S.S.R.No.5761 of 2016, subject to the condition that the Return Nos. 2, 3 and 4 can be decided at a later stage, after numbering of the suit.

5. With the above direction, the Civil Revision Petition is disposed of.

Sd/

Assistant Registrar(C.O.,)

/TRUE COPY/

Sub Assistant Registrar

To

The Sub-Judge, Valliyoor, Tirunelveli District.

+1cc to M/s.S.R.Anbarasu, Advocate, in SR No.73534.

C.R.P(NPD) (MD)No.2240 of 2016

25.11.2016

vsn

msm/mpa/sar1/30.11.16/p2/3c