



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

CRP (MD).No.2248 of 2016

1. Tmt. S. Sethammal
2. D. Jeevitha
3. S. Dhineskumar
4. V. Phavithra
5. S. Balamurugan

: Petitioners/ Plaintiffs

Vs.

Ramasubramanian @ Ramanathan

: Respondent/ Defendant

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the repeated return made by the Honourable Principal Sub Judge, Madurai in unnumbered original partition suit in A No.26535 of 2016 dated 21.09.2016 30.09.2016 6.10.2016 and 07.10.2016 on the file of the Honourable Principal Sub Judge, Madurai.

For Petitioner

: Mr. K.K. Ramakrishnan

ORDER

The Civil Revision Petition is filed against the repeated return made by learned Principal Sub Judge, Madurai in unnumbered original partition suit in A No.26535 of 2016 dated 21.09.2016, 30.09.2016, 6.10.2016 and 07.10.2016 on the file of the Principal Sub Court, Madurai.

2. According to the petitioners, the trial Court has returned the plaint on 21.09.2016 with the following defects:-

- (i) Whether the suit properties ancestral / self required property to be stated and share to be calculated accordingly.
- (ii) Husband of Samuthiram alive / not to be mentioned.
- (iii) Valuation of each property to be mentioned.
- (v) e-court copy of plaint to be filed.

The said defects have been represented on 28.09.2016. Again on 30.09.2016 the same was retuned and again represented on 06.10.2016 and against the same was returned on the same day and the same was represented on 07.10.2016 and again on 07.10.2016 the plaint was retuned with the following endorsement:-

<https://hcservices.ecourts.gov.in/hcservices/>

"Sons of Veluchamy Counder has not effected partition



as per the pleadings. Hence sons of Veluchamy Gounder are not divided sons (Section 8). Hence suit property should be treated as ancestral property. Hence explanation not satisfied earlier return still holds good".

3. The learned counsel for the petitioners submitted that the suit filed by the petitioners was returned by the trial Court and the said return could be considered only at the time of trial and prays for numbering the suit.

4. Therefore, at this stage the trial Court could not return the plaint as stated in the order dated 21.09.2016, 30.09.2016, 6.10.2016 and 07.10.2016 respectively. Hence, this Court is inclined to pass the following order:-

(i) the petitioners are permitted to represent the plaint papers within a period of one week from the date of receipt of a copy of this order and on receiving the same, the trial is directed to number the plaint within a period of two weeks thereafter, without prejudice to the rights of the parties to raise points at the later stage.

(ii) if any other defects shall be pointed out by the trial Court, the same shall be complied with by the petitioners.

5. With the above direction the Civil Revision Petition is disposed of. No costs.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To
The Principal Sub Judge, Madurai

Copy to:

The Section Officer,
V.R.Section,
Madurai Bench of Madras High court,
Madurai.

+1CC to M/S.K.K.Ramakrishnan, Advocate, SR.No. 66955

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