



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (NPD) (MD) No.587 of 2016

and

C.M.P. (MD) .Nos.2584 and 2732 of 2016

R.Vellaithuraipandian

... Petitioner

Vs.

1. Pandi Meena

2. The Branch Manager,

Syndicate Bank,

98, N.P.S.N.Arumugam Road,

Sivakasi, Virudhunagar District.

... Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 21.01.2016 passed in unnumbered plaint in O.S.No. of 2016 on the file of Principal District Court, Virudhunagar District at Srivilliputhur.

For Petitioner : Mr.A.Sivaji

O R D E R

The Civil Revision Petition has been filed against the order dated 21.01.2016 passed in unnumbered plaint in O.S.No. of 2016 on the file of Principal District Court, Virudhunagar District at Srivilliputhur.

2. The petitioner filed a suit for declaration that the property absolutely belongs to the petitioner and for possession. He also prayed for return of amount mentioned in the third item on maturity. The learned Judge rejected the plaint on the ground that the petitioner has not substantiated the case by filing documents along with the plaint. The learned Judge also considered the averments made in the plaint and the relief sought for and held that the petitioner is not entitled to the relief. The learned Judge lastly rejected the plaint on the ground of pecuniary jurisdiction and no cause of action. Against the said order, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioner contended that the petitioner is not given an opportunity to put forth his case. The petitioner will substantiate his case during trial. The learned Judge erred in deciding the issue on merits and rejected at threshold without giving any opportunity to the petitioner. The learned Judge did not take into account the value of all three items of property mentioned in the plaint schedule, but took into account only the value of third item of property and erred in holding that Court has no pecuniary jurisdiction.



4. I have heard the learned counsel for the petitioner, I have carefully perused the materials available on record, the reason given by the learned Judge and the contention of the learned counsel for the petitioner.

5. Considering the nature of the issue, notice to the respondent is not necessary.

6. It is seen that the learned Judge rejected the plaint on considering the claim of the petitioner on merits. The learned Judge erred in rejecting the plaint without numbering the same and without giving any opportunity to the petitioner.

7. In the circumstances, the order of the learned Judge is set aside and the petitioner is directed to represent the plaint. On such representation, the learned Judge is directed to take into account the value of all the three items of the property and if the same is not within the pecuniary jurisdiction, the plaint may be returned to be represented before the proper Court and if the value is within the pecuniary jurisdiction of the Court, the learned Judge is directed to number the suit if it is otherwise in order.

8. In the result, the Civil Revision Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

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To

1. The Principal District Court,
Virudhunagar District, Srivilliputhur.

2. The Branch Manager, Syndicate Bank,
98, N.P.S.N.Arumugam Road,
Sivakasi, Virudhunagar District.

+1 cc to Mr.A.Sivaji, Advocate, SR No.15247

RG.SK-SKN/SAR-I 04.04.2016 2P.4C

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