



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2016

CORAM:

THE HONOURABLE MR. JUSTICE C.T.SELVAM

C.R.P.PD.(MD)No.967 of 2016
and C.M.P.(MD)No.4839 of 2016

B.Abdul Rahim

..Petitioner/Plaintiff

Vs.

1.Rasiya Begam
2.Khaja Kamaludeen
3.Mytheen Beevii
4.K.Peer Mohamed
5.Alif Matriculation School,
Rep.through the Correspondent and Secretary
Khaja Kamaludeen

..Respondents/Defendatns

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the O.S.SR.No.809 of 2016 dated 10.03.2016 by the learned Principal District Munsif at Nagercoil in unnumbered suit and to direct the learned Principal District Munsif at Nagercoil to number the original suit in unnumbered O.S.SR.No.809 of 2016 and take the suit on the file of the learned Principal District Munsif at Nagercoil within a time stipulated by this Court.

For Petitioner : Mr.G.R.Swaminathan
Mr.D.Selvanayagam

O R D E R

This Civil Revision petition is filed to set aside the order dated 10.03.2016 in unnumbered suit in O.S.SR.No.809 of 2016 passed by the learned Principal District Munsif at Nagercoil and take the suit on file.

2.In repeatedly returning the plaint, court below has raised the question as to how such the suit is maintainable, when right to seek specific performance exists. Such is a matter, which has to be gone into during trial and cannot be an impediment to number the suit preferred by the petitioner.

3.Hence, the learned Principal District Munsif at Nagercoil is directed to take the suit in O.S.SR.No.809 of 2016 on file and proceed further in accordance with law. The Civil Revision Petition is disposed of. No costs. Consequently, connected C.M.P.is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar(CS)

To

The Principal District Munsif at Nagercoil.

+1cc to M/S.AHAMED ASSOCIATES, Advocate in SR.24839