

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.2986 of 2016

ORDER :

This revision is preferred questioning order dated 11.09.2015 whereunder Court below returned the plaint for not complying objections taken by the office.

2. As seen from the docket sheet, the matter was called on bench for several times and as the plaintiff i.e., revision petitioner herein did not evince any interest in answering or in clarifying the objections taken by the office, particularly with regard to the period of limitation and maintainability of the suit, lower Court having no other alternative returned the plaint. Now complaining the same, present revision is preferred.

3. Advocate for revision petitioner submitted the objection taken by the Court below is not correct and from 19.06.2014 the plaint is returned without taking on file, therefore, a direction has to be given to the Court below to entertain the plaint and number it.

4. Heard arguments.

5. From a perusal of the docket proceedings of the Court below it appears the matter is listed for hearing, but plaintiff has not evinced any interest in clarifying the objections and argue the case and the Court below having no other alternative returned the plaint again. Plaintiff instead of representing the same with proper

endorsement, filed the present revision, I do not find any illegality in the order of the Court below and plaintiff has to argue the case with regard to objections taken by the Court below and obtain appropriate orders taken, but cannot question the return order, particularly when there are lapses on the part of the plaintiff. For these reasons, I am of the view that revision is devoid of merits and liable to be dismissed.

6. Accordingly, this revision is dismissed at admission stage, giving liberty to again represent the matter and on such representation, the Court below shall pass orders in accordance with law.

7. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

30th June 2016.

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