

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1001 of 2017

Sri.P.Easwaran

... Petitioner

v.

1. Sri.R.Annadurai
2. Sri.M.S.Subramaniam

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the docket order dated 20.12.2016 made in O.S.C.F.R.No.5423 of 2016 on the file of the Hon'ble District Munsif Judge Court, at Tirupur and allow this revision petition.

For Petitioner : Mr.R.Selvakumar_

ORDER

Challenging the docket order passed in O.S.C.F.R.No.5423 of 2016 on the file of District Munsif Court, Tirupur, the plaintiff has filed the

above Civil Revision Petition.

2. The plaintiff filed the unnumbered suit in O.S.C.F.R.No.5423 of 2016 for declaration and permanent injunction.

3. The District Munsif Court, Tirupur, returned the papers raising a query with regard to the maintainability of the suit.

4. The plaintiff represented the papers before Trial Court, stating the reasons for the maintainability of the suit.

5. On 20.12.2016, the Trial Court returned the papers again, stating that the previous returns were not complied with and proper court fee has not been paid by the plaintiff. Challenging this order, the plaintiff has filed the above Civil Revision Petition.

6. The learned counsel appearing for the petitioner submitted that the plaintiff was not given an opportunity to make his submissions, with regard to maintainability of the suit before the Trial Court. Therefore, an opportunity may be given to the plaintiff to make his submissions before the Trial Court

7. In these circumstances, I am of the view, that the plaintiff should be given an opportunity to make his submissions before the Trial Court, with regard to the queries raised by the Trial Court.

8. Accordingly, I give liberty to the petitioner-plaintiff to make his submissions with regard to the queries raised by the Trial Court, within a period of one week from the date of receipt of a copy of this order. If the court is not satisfied, with the submissions made on behalf of the plaintiff, the Trial Court may number the suit, if not, necessary orders can be passed by the Trial Court considering the submissions made by the plaintiff.

With these observations, the Civil Revision Petition is disposed of.
No costs.

16.03.2017

Index : Yes/No

Note : (i) The Registry is directed to return the original plaint filed by the petitioner in the Civil Revision Petition to the learned counsel for the petitioner.

(ii) Issue copy of the order by 20.03.2017

Rj

To

District Munsif Court
Tirupur.

M. DURAISWAMY,J.,

Rj

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