

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.1227 of 2014

Arulappan

.. Petitioner

-Vs.-

Pasumarathi

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the return of the plaint in O.S.S.R.No.7890 of 2013 dated 19.12.2013 by the learned District Munsif, Polur.

For petitioner ... E.P.Senniyangiri

O R D E R

The suit is filed for declaration and injunction.

2. In the description of the property given in the plaint, the survey number, boundaries were not mentioned. Therefore, the trial Court had returned the papers for furnishing the same. But the plaintiff had re-presented the same stating that there is no necessity to mention the survey number and boundaries in the schedule of

property, as the original title deed has already been furnished. Hence, the trial Court has rejected the plaint as defective in a suit for declaration of title without the survey number or the boundaries of the property in the schedule, against which, the above revision has been filed by the plaintiff, which was rejected under Order VII Rule 11 of C.P.C.

3. Though in the normal circumstances, only an appeal is provided when a suit is rejected under Order VII Rule 11 of C.P.C, considering the fact that the plaint is not yet numbered and taken on file, but rejected on the ground that the plaintiff refused to comply with certain requirements of the Court below, this Court is inclined to set aside the order order passed by the trial Court. It is made clear to the plaintiff that the requirements of the trial Court has to be complied with before re-presenting the plaint by rectifying the defects and also rectifying any other defect that may be pointed out by the trial Court before numbering the suit. In the event of the plaint being re-presented, the trial Court is directed to number the same, if the plaint is otherwise in order.

4. With the above direction, this Civil Revision Petition is disposed of. No costs. The learned counsel for the petitioner is directed to re-present the plaint before the Court below within a period of two weeks from the date of taking return of the plaint from the Registry.

23.01.2017

Note: The Registry is directed to return the original plaint to the learned counsel for the petitioner.

srn

To

The District Munsif, Polur.

PUSHPA SATHYANARAYANA.J

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23.01.2017

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