

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (PD) No.1416 of 2017 &
C.M.P.No.6565 of 2017

P.Rajan

... Petitioner/
Plaintiff - 1

Vs.

1.M/s. Good Shepherd Educational
Trust, represented by its Trustees;

a) Dr.P.C.Thomas

b) Elsamma Thomas

Good Shepherd Public School,
Fern Hill, Uthagamandalam,
Ooty Rural, Nilgiris.

2. Prema

Respondents/
Defendants 1&2

Prayer: Revision filed under Section 227 of the Constitution of India against return dated 16.03.2017 the unnumbered I.A.SR.No.1064 of 2017 in O.S.No.170 of 1999 on the file of the Sub Court, Uthagamandalam at The Nilgiris.

For Petitioner : Mr.M.S.Mani

ORDER

The Civil Revision Petition has been filed against return dated 16.03.2017 of the unnumbered I.A.SR.No.1064 of 2017 in O.S.No.170 of 1999 on the file of the Sub Court, Uthagamandalam at The Nilgiris.

2. The petitioner is the first plaintiff. He filed I.A.SR.No.1064 of 2017 for contesting the preliminary issues as to whether the plaintiff has paid correct and proper court fee or not. The said application was returned on 01.03.2017 by the Court below, directing the petitioner to give correct cause title completely and to correct the prayer column in the petition and affidavit. Pursuant to the same, the petitioner represented the same with an endorsement that prevailing five applications in I.A.Nos.379, 517, 518 of 2016 and 142 and 143 of

2017 were showing that the petitioner alone is a party and further stated that the relief prayed as such is valid. The petitioner has also made an endorsement that the Registry orally instructed his junior to strike out the Tamil statement made in the affidavit as well as in the petition. Without there being any such right, Registry or Court has no power to edit the pleadings. The Court should not mechanically accept the baseless queries raised by the Registry again in I.A.SR.Nos.1063 & 1064 of 2017 since the same were filed along with other I.As. in which already some queries were raised and the petitioner represented the same stating that already the petitioner has answered the queries raised by the Registry and only with a mala fide intention, the Registry has repeatedly returned the application raising the very same queries. Again the application was returned directing the petitioner to comply with the earlier return without making baseless allegations against the Bench Clerk and against that return, the present Civil Revision Petition is filed.

3.Learned counsel for the petitioner would submit that the Court below has repeatedly returned the applications on the same ground, in spite of the petitioner properly explained the queries raised by the Court. Earlier applications were filed only by the petitioner and the same were entertained by the trial Court. Hence, this Court can entertain the Civil Revision Petition filed by the petitioner alone.

4.The learned counsel for the petitioner submitted that the petitioner herein as PW1, has given evidence in respect of the valuation of the suit properties. He would further submit that the petitioner was appointed as 'Sole Administrator' for the entire suit schedule properties as per the order of this Court in O.P.No.477 of 2002.

5.Heard the learned counsel for the petitioner and perused the materials available on record.

6.Learned counsel for the petitioner has stated that he was appointed as 'Sole Administrator' by this Court. However, no such contention was raised before the lower Court and no such endorsement was made during representation and that the petitioner has not produced a copy of the order passed by this Court in O.P.No.O.P.No.477 of 2002 while representing the returns in un-numbered I.A.SR.Nos.1064 of 2017.

7.In view of the above, the petitioner is directed to produce the copy of the order passed by this Court in O.P.No.477 of 2002 to prove as he is the "Sole Administrator" to maintain the suit properties along with I.A.s and to make suitable

endorsement within a period of one week before the Court below and after representing the same before the Court below within the stipulated time, the Sub Judge, Uthagamandalam, the Nilgiris, is directed to consider the same and number the applications, if it is otherwise in order.

8. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The Sub Judge,
Uthagamandalam, The Nilgiris.

+1cc to Mr.M.S.Moni, Advocate Sr.22914

C.R.P (PD) No.1416 of 2017 &
C.M.P.No.6565 of 2017

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srg 13/06/2017

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