

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(NPD) No.2949 of 2017
and C.M.P.No.13946 of 2017

1. P.Sundarambal
2. P.Babu
3. P.Balu
4. P.Dayalan

... Petitioners

Vs.

1. Kalpana Bhandari
2. Tarachand Bhandari

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the learned II Additional Judge, City Civil Court, Chennai, to number the suit in O.S.SR.No.18478 of 2017, dated 06.04.2017 and take on the file of the II Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Udayakumar

ORDER

This Civil Revision Petition has been filed to direct the learned II Additional Judge, City Civil Court, Chennai, to number the suit

in O.S.SR.No.18478 of 2017, dated 06.04.2017 and take on the file of the learned II Additional Judge, City Civil Court, Chennai.

2. Aggrieved over the rejection of the plaint, even without numbering, the petitioners/plaintiffs have come before this Court.

3. The learned counsel for the petitioners would submit that the trial Court has observed that the letter, which was given by the parties can only be treated as an offer and therefore, the suit is not maintainable.

4. But from a perusal of the pleadings and documents, it is seen that there is an offer of remittance and pursuant to the same, there is some material shows part performance and the plaintiff has been put in possession of the properties. All these matters can be decided only after an elaborate trial. Shutting the doors on the threshold itself without giving an opportunity is not correct.

4. Therefore, this Court issues a direction to the II Additional Judge, City Civil Court, Chennai, to number the suit in O.S.SR.No.18478 of 2017 filed by the petitioners/plaintiffs and proceed further in accordance with law.

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

23.08.2017

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To

The II Additional Judge, City City Court, Chennai.

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M. GOVINDARAJ, J.

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