

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 3111 of 2017

Sri Sivaganga Finance and
Investments rep. by its
Managing Partner K. Ganesan

.. Petitioner

Vs

1. Chinnadurai

2. K. Selvaraj

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order of return dated 25.07.2017 made in O.S. SR No.5705 of 2017 on the file of the Principal District Judge, Namakkal and thereby direct the Principal District Judge, Namakkal to number the plaint in O.S. SR No.5705 of 2017.

For Petitioners : Mr. T. Dhanyakumar

ORDER

This Civil Revision Petition arises against the order of return

dated 25.07.2017 made in O.S. SR No.5705 of 2017 on the file of the Principal District Judge, Namakkal and thereby direct the Principal District Judge, Namakkal to number the plaint in O.S. SR No.5705 of 2017.

2. The learned counsel for the petitioner submitted that the petitioner has filed the suit for recovery of money and the same was returned by the lower court, pointing out some defects and stating that the suit has not been filed within the limitation period. The learned counsel for the petitioner made necessary endorsements and re-presented the papers on 10.07.2017. Without considering the said reasons, the trial court has simply returned the plaint. Against the same, the instant revision petition is filed before this Court.

3. It is found that the reasons stated in the endorsements has not been properly considered by the trial court. Therefore, this Court is inclined to pass the following orders :

- a) The petitioner is permitted to re-present the plaint within a period of four weeks from the date of receipt of a copy of this order.

- b) On such re-presentation of the plaint, the trial court is directed to verify the original documents and pass appropriate orders, within a period of four weeks, thereafter.

4. The Civil Revision Petition is disposed of, with the above direction. No costs. Registry is directed to return the original papers, after obtaining a copy of the same.

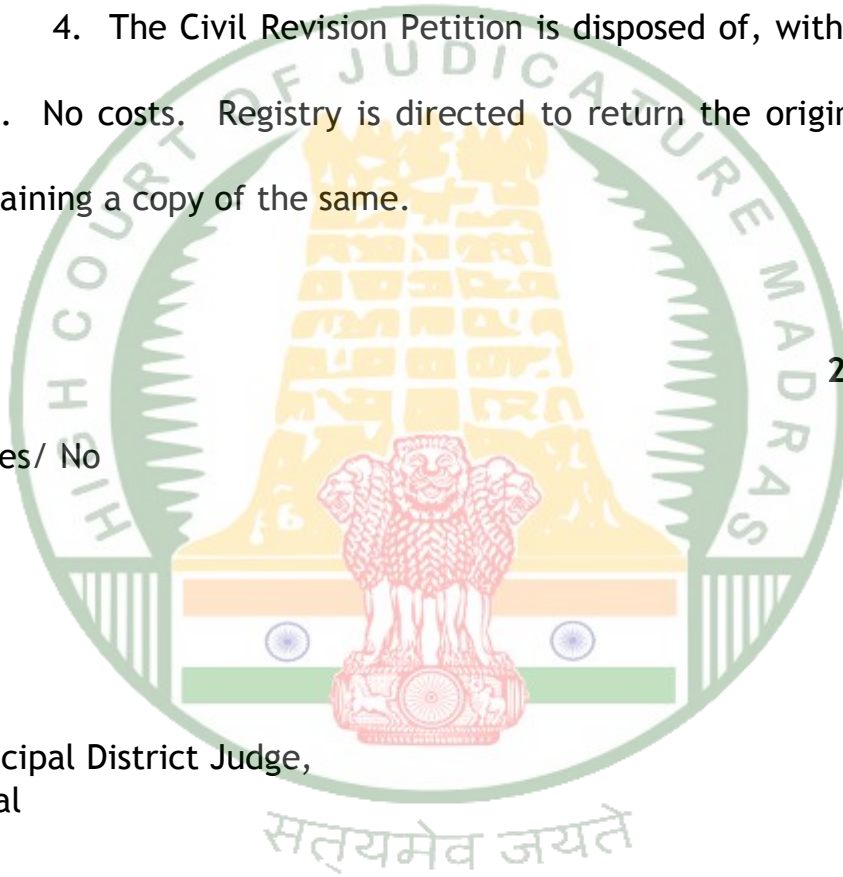
25.10.2017

Index : Yes/ No

avr

To

The Principal District Judge,
Namakkal



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D. KRISHNAKUMAR J.,

avr



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