

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2017

CORAM :

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

CRP.(PD).No.3519 of 2017

M.Mariappan

... Petitioner/Plaintiff

Vs.

1. N.Kanagaraj
2. G.Revathi

... Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned principal District Judge at Salem to number the suit in O.S.SR.No. 8303 of 2017 and taken on file and proceed the case.

For Petitioner : Mr.B.Gopalakrishnan

ORDER

The Civil Revision Petition is preferred against the return of plaint filed by the petitioner in the Unnumbered stage itself and to number the suit in O.S.SR.No. 8303 of 2017.

2. It is the contention of the petitioner that the document No.4 which is relied upon by the plaintiff is only payment receipt and not a sale deed. Even though the nomenclature is shown as sale deed,

the recital that the assurance to register the sale deed will reveal it is only a sale agreement warranting specific performance. But the trial Court refuse to number the suit on this count.

3. In the opinion of this Court, the said issue can be decided only when it is tried on merits and cannot be decided at the threshold itself. Therefore, a direction is given to the District Court, Salem to number the plaint in O.S.SR.No.8303 of 2017 and proceed with the matter subject to maintainability and in accordance with law.

4. The Registry is directed to return the original plaint to the petitioner to present the same before the Court for numbering.

5. With the above direction, this Civil Revision petition is disposed of. No costs.

20.09.2017

Index : yes/no
Internet : yes/no
Note : Issue order copy on **16.11.2017**
bsm/tk

To

The Additional District Judge,
Namakkal.

M.GOVINDARAJ, J.

bsm/tk

CRP.(PD).No.3519 of 2017

20.09.2017