

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.PD.Nos.3915 & 3916 of 2017

and

C.M.P.No.18311 of 2017

M.Geetha

..Petitioner
(in both CRP's)

Vs.

J.Srinivasan

..Respondent
(in both CRP's)

COMMON PRAYER:

The Civil Revision Petitions are filed under Article 227 of the Constitution of India against the docket orders dated 09.06.2017 passed in I.A.Sr.Nos.1581 & 1582 of 17 in O.S.No.58 of 2012 on the file of the learned District Munsif, Tiruvottiyur and direct the lower court to number the same.

For Petitioner
in both CRP's

: Mr.J.R.K.Bhavanantham

COMMON ORDER

According to the petitioner, the respondent herein filed a

suit in O.S.No.58 of 2012 for declaration, set aside the sale deed as null and void and for permanent injunction. The petitioner herein filed written statement by raising the specific averments that the aforesaid suit filed by the plaintiff was undervalued. The petitioner has filed the applications in unnumbered I.A. to raise the additional issue and to decide the preliminary issue in the suit. The court below without numbering the said applications has returned the papers on the reason that necessary application for rejection of plaint under Order 7 Rule 11 has to be filed. Therefore, the petitioner has filed the present Civil Revision Petition before this Court.

2. By considering the submissions made by the learned counsel for the petitioner, on the facts and circumstances of the case, the said instant applications filed by the petitioner has been returned for the reason that the court below has insisted to file applications under Order 7 Rule 11. The reason for rejection on the above ground is unwarranted and the same cannot be accepted. Therefore, this Court is inclined to direct the trial court to number the application in IA.SR.Nos.1581 and 1582 of 2017, if it is order, without insisting for filing applications under Order 7 Rule 11 of the Civil Procedure Code, and decide the issue including the

maintainability of the application at later stage. In the light of the order passed by this Court, the petitioner is permitted to re-present the above I.A's within a period of two weeks from the date of receipt of a copy of this Order and if it is otherwise in order, the same shall be numbered.

3. In the result, the Civil Revision Petitions are disposed of with above directions. Consequently, the connected miscellaneous petition is closed. No costs.

4. The Registry is directed to return the original IA's to the learned counsel for the petitioner after obtaining a copy of the same.

27.10.2017

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

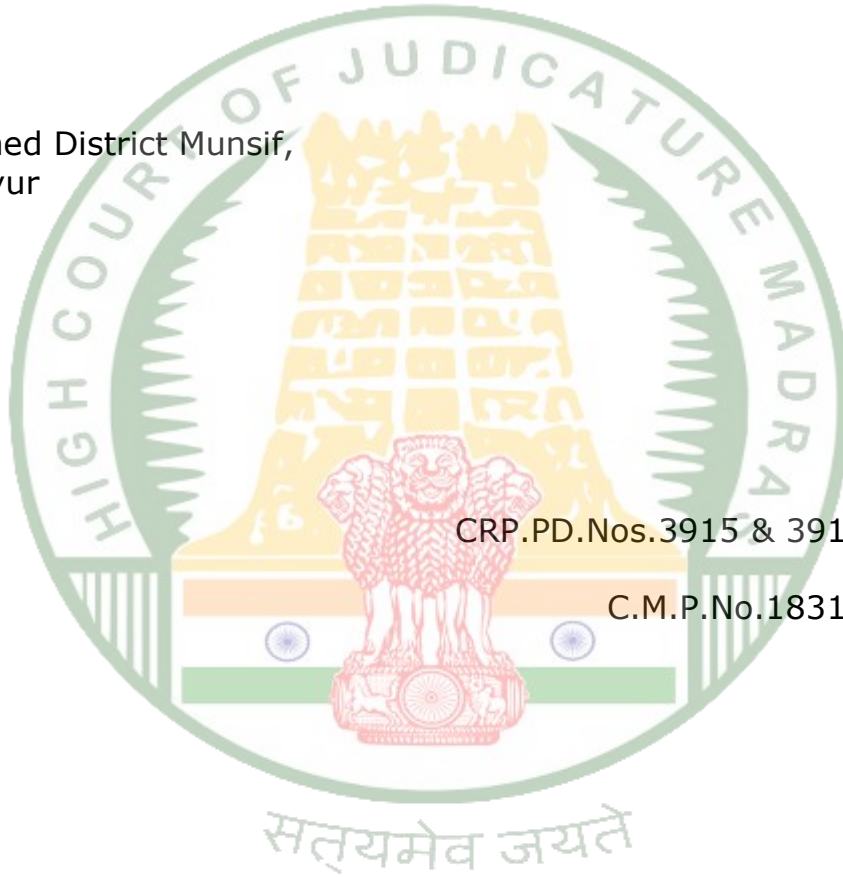
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D.KRISHNAKUMAR. J,

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To
The learned District Munsif,
Tiruvottiyur



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