

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

CRP.(PD).No.4716 of 2017

O.Karmelmary @ Mary

..Petitioner

Vs.

1.Helen Roselitta

2.The Gerneral Manager,
H.R. Department,
Neyveli Lignite Corporation,
Corporate Office,
Neyveli Township House,
Neyveli, Cuddalore District.

3.The General Manager,
P & A Departement,
Neyveli Lignite Corporation,
Corporate Office,
Neyveli Township House,
Neyveli, Cuddalore District.

..Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Sub-Court, Neyveli to number and dispose of O.S.S.R.No.8201 of 2017.

For petitioner : Mr.K.Govi Ganesan

ORDER

The Civil Revision Petition is filed to direct the learned Sub-Court, Neyveli to number and dispose of O.S.S.R.No.8201 of 2017.

2.The learned counsel appearing for the petitioner would submit that the plaint in O.S.S.R.No.8201 of 2017 has been filed by the petitioner on 30.08.2017 and the same was returned by the Court below for the following defects:

- “i.Death Certificate of Gasper to be filed.*
- ii.Legal Heir Certificate to be filed.*
- iii.How to claims subsequent interest.*
- iv.Copy of the documents required deficit Court fee.*
- v.Para.6 of plaint declaration of the suit is pending before the Distict Munsif cum Judicial Magistrate, Neyveli, How this plaint to be stated.”*

3. After rectifying the above said defects the petitioner resubmitted the papers on 12.09.2017, along with the xerox copy of the Death Certificate. Insofar as the other defects are concerned, the plaintiff requested to place the plaint before the Public Court as per section 34 of the Code of Civil Procedure. However, the Court below has returned the

plaint without furnishing any further reasons. Therefore, the petitioner undertakes to resubmit the papers to explaining the reasons for the defects, pointed out by the Court below.

4. Considering the above said submissions made by the learned counsel for the petitioner, this Court is inclined to direct the Court below to consider the same, if the reasons are satisfactory and the plaint shall be numbered and, if not satisfied, to give the reasons for return of the plaint in O.S.S.R. No.8201 of 2017.

5. In view of the above, the Civil Revision Petition is disposed of. No Costs.

21.12.2017

Speaking / Non Speaking order

Index :Yes/No

Internet :Yes/No

RKP

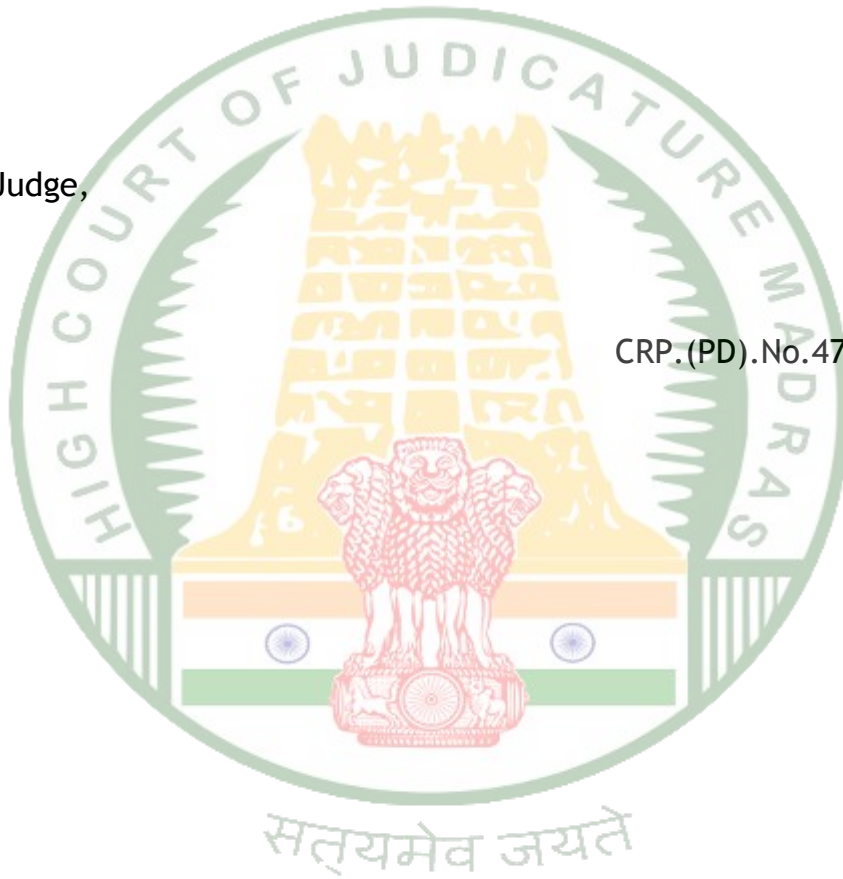
Note: Registry is directed to return the original copy of the paper to the petitioner after obtaining copy of the same.

Issue order copy on 02.01.2018

D.KRISHNAKUMAR.J,

RKP

To
The Sub Judge,
Neyveli



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D.KRISHNAKUMAR,J.

Today, the matter is listed under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner has submitted that originally in the Note portion of the order copy, it has been mentioned as 'Registry is directed to return the original copy of the paper to the petitioner after obtaining copy of the same'. He has further requested to modify the same as follows:

"Registry is directed to return the original copy of the plaint to the petitioner after obtaining copy of the same"

3. In view of the request made by the learned counsel for the petitioner, the Registry is directed to modify the note order as stated above.

WEB COPY

08.01.2018

RKP

D.KRISHNAKUMAR,J.

RKP



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