

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD).No.985 of 2017

K.Ravichandran

... Petitioner

Vs.

1.M/s.Petroleum Industries (India) Ltd.,
rep by its Managing Director,
T.K.Mohan,
No.AB-88, 1st Street,
Anna Nagar, Chennai - 40.

2.T.K.Mohan

3.T.Manoharan

4.Shanmugasundaram

5.Parimala

6.Sakthivel

7.Chitra Manoharan

8.Canara Bank
rep by its Chief Manager,
ARM Branch,
No.770-A, Mount Road, Chennai - 2.

9.Debt Recovery Tribunal-II,
rep by its Assistant Registrar,
4th Floor, Spencer Towers,
No.770-A, Mount Road, Chennai - 2.

10.Debt Recovery Tribunal Recovery Officer,
4th Floor, Spencer Towers,
No.770-A, Mount Road,
Chennai - 2.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in C.F.R.No.9206 of 2016 on the file of the District Court, Salem dated 06.10.2016.

For Petitioner : Mr.A.Sundaravadhanan

ORDER

Challenging the docket order dated 06.10.2016 returning the plaint as not maintainable, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in C.F.R.No.9206 of 2016 on the file of the District Court, Salem, for declaration and permanent injunction. Subsequently, the District Court returned the papers for complying with some defects. Ultimately, on 06.10.2016, the District Court returned the papers observing that the suit is not maintainable.

3.The learned counsel for the petitioner submitted that the petitioner was not given an opportunity to make his submission with regard to the maintainability of the suit.

4. Since the petitioner was not given an opportunity, the impugned docket order dated 06.10.2016 is set aside and the matter is remanded to the District Court, Salem, for fresh consideration. The plaintiff shall make his submission with regard to the maintainability of the suit before the District Court, Salem within one week from the date of receipt of a copy of this order.

5. With these observations, the Civil Revision Petition is allowed. No costs.

Index : No

Internet : Yes

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15.03.2017

Note: (i) Issue order copy on 16.03.2017.

**(ii) Registry is directed to return the
plaint filed by the petitioner to the learned
counsel for the petitioner.**

To

The District Court,
Salem.

M. DURAISWAMY,J.

va

C.R.P.(PD).No.985 of 2017

15.03.2017