



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2017

(Reserved on 19.04.2017)

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP(MD)No.856 of 2017

Mr.R.Francis Ignatius

... Petitioner/Plaintiff

vs.

1) State of Tamilnadu,
Rep. by its
District Collector,
Collectorate Buildings,
Tuticorin.

2) The Tahsildar,
Kovilpatti Taluk Office,
Kovilpatti,
Tuticorin District.

3) Mr.R.Balamurali

... Respondents/Defendants

Petition filed under Article 227 of the Constitution of India, against the Docket order dated 10.03.2017 in Un-numbered suit A.No.1157, dated 09.03.2017 on the file of the District Munsif, Kovilpatti, to set aside the same and seeking direction to the lower Court to number the suit.

For Petitioner : Mr.V.Srinivasan

ORDER

This revision petition is directed against the return of the plaint without numbering by the lower Court. After considering the pleadings, the lower Court has found that the suit is not maintainable before the Civil Court and the first prayer is not maintainable without adding the parties against whom the relief is sought for.



revision petitioner is that first, in view of the judgment of the Civil Court in O.S.No.186/12 declaring the sub division of the first item of the suit property as not binding, mandatory injunction should be issued against the defendants 1 and 2 for carrying out necessary correction in the revenue records and the second relief is for declaration to declare the sale deed registered on 10.05.2016 in respect of the first item of the suit property as null and void.

3.After perusing the pleadings, the Trial Court has found that the first relief to carry out correction in the revenue records cannot be directed by way of civil suit and in so far as the second relief is concerned namely, to declare the sale deed as null and void, the plaintiff has arrayed only one person by name Balamurali, who according to the plaintiff had purchased the third item of suit property. The alleged vendor is not arrayed as defendant, though he is a necessary party.

4.The plaint as it reads has couched disjointly with multiple cause of action and mis-joinder of relief. If the revision petitioner had any grievance regarding registration of the document and the validity of any registered document, he should have arrayed all the parties to the said document and laid separate suit. Apparently, he has not arrayed all the parties to the said document. Hence, there is no error in returning the plaint.

5.Likewise, the first relief which is independent of the second relief has been sought in the suit arraying the District Collector and the Tahsildar. When there is no relevancy to the first relief and the second relief and the pleadings as such, this Court finds no error in returning of plaint by the Court below for proper pleadings.

Hence, this Civil Revision Petition is dismissed. No costs.

The revision petitioner is permitted to take back the original documents.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,

<https://hcservices.ecourts.gov.in/hcservices/>

Revilipatla.



Copy to

The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Srinivasan, Advocate Sr.No.53263

nbi

vb/rsk/sar3/02.05.2017/3p/4c

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