



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2017

CORAM:

THE HONOURABLE DR.JUSTICE **G. JAYACHANDRAN**

C.R.P. (PD) . (MD) No.889 of 2017

R.Kaleeswari

.. Petitioner/plaintif

Vs.

V.Dharmaraj

.. Respondent/Defendant

PRAYER: This Civil Revision Petition is filed under Section 227 of Constitution of India to direct the Learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur to number the petitioner's suit filed in O.S.No. Unnumbered of 2016.

For Petitioner : Mr.VS.Karthi
for VS.Karthi Associates

ORDER

This revision petition is filed by the plaintiff whose plaint has been returned by the trial court for want of pecuniary jurisdiction and other defects.

2.The learned counsel representing for the revision petitioner submits that he has clearly explained in the plaint as well as in the written submission about the pecuniary jurisdiction and he has properly valued the suit and paid appropriate court fee for the same. In spite of proper re-presentation, the trial court has not numbered the plaint, but has returned stating the defects pointed out in 11.04.2016 and 20.09.2016 order not complied.

3.On perusal of the plaint, particularly para 7 and 8, prima facie, this court is satisfied that the revision petitioner has made out a case for recovery of money based on the "Doctrine of Subrogation", whether, really he has paid money to the bank to a tune of Rs.6,73,250/- (Rupees Six Lakh Seventy Three Thousand Two Hundred and Fifty only) and other money as claimed in the plaint is a matter for trial.

4.Therefore, the trial court is directed to take the plaint on file if it is otherwise in order and proceed further. The revision petitioner is permitted to take back the original plaint and re-present the same after complying the other defects if any within a period of 30 days from the date of the receipt of a copy of this order.



5. Accordingly, this Civil Revision Petition is disposed of.
No costs.

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/True Copy/

Sd/-
Assistant Registrar (RTI)

Sub Assistant Registrar

To

The Principal District and Sessions Judge,
Virudhunagar at Srivilliputhur.

+1cc to M/S.V.S.Karthi , Advocate SR.No.53357

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JM/SV/SAR 4/11.05.2017/2P/3C