

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.1301 of 2017

ORDER:

A person whose plaint has been repeatedly returned on some ground or the other has come up with the present revision petition.

2. Heard Mr. A. Abhishek Reddy, learned counsel for the petitioner.

3. The grounds on which the papers were returned by the scrutiny officer and the endorsements made by the petitioner on representation, are as follows:

Returned Dt.3-10-2015:-

1) How the plaintiff seeking cancellation of Document No.6 when the plaintiff is not a party to the said document.

2) CF paid to the plaint is not shown properly.

Time 7 days.

Sd/- xxxxxx

Represented dt.7-10-2015:-

1) As per agreement dated 4-12-2009 the 2nd defendant received amount including the value of the plaint schedule property from the plaintiff. The 2nd defendant played fraud without knowledge of the plaintiff registering the land in favour of the 1st defendant thereby the plaintiff has got right to cancel the document.

2) The plaintiff paid CF of Rs.15, 526/-. If not satisfied, the matter call at bench.

Sd/- xxxxxx

Returned dt.2-11-2015:-

1) Previous objections to be complied with

Time 7 days.

Sd/- xxxxx

Represented dt.7-11-2015:-

As the ruling of our High Court 2007 (5) ALD 863.

Sd/- xxxxx

Returned dt.13-11-2015:-

1) The relief/prayer at No.2 is not clear. The same should be noted in comprehensive way.

2) Unless the plaintiff is party to the documents, how can be seek for cancellation of the document No.2975/2012, dt. 01-10-2012.

Time 7 days.

Sd/- xxxxx

Represented dt. 18.11.2015:-

The plaintiff filed this suit declare that the sale deed obtained gby the 1st defendant from the 2nd defendant as null and void and plaintiff is the suffer due to the act of the defendant as he is the interested person.

Sd/- xxxxxx

20-11-2015:- Call at bench on 25.11.2015

25.11.2015:-

PO is on CL/OH/OD. Hence posted to 27.11.2015 as per lists.

27.11.2015

Heard the counsel. Call on 2.12.2015.

Returned on 02.12.2015:-

1) Heard the counsel. The plaintiff to state how he can seek cancellation of the document without being a party to the suit.

Time 7 days.

Sd/- xxxxxx

Represented dt. 8.12.2015:-

The 2nd defendant received the amount from this plaintiff prior to this sale deed there by the plaintiff filed this suit for cancellation of the sale deed only.

Sd/- xxxxx
Advocate

Returned dt. 14.12.2015:-

1) Previous all objections to be complied with.

Time 7 days.

Sd/- xxxxx

4. It is seen from the repeated returns put up by the trial Court that they are not only legally invalid but also wholly unjustified. There is nothing to prevent a person from seeking cancellation of a sale deed executed by a stranger to another, if such person claims title to the property. In any case, this is a matter which should be adjudicated after trial. Hence, the civil revision petition is allowed, the trial Court is directed to receive the application and number the same, if all procedural aspects are in order. The Registry is directed to return the original docket orders to enable the counsel to represent the same.

5. As sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

24th March, 2017
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.1301 of 2017



Date: 24-03-2017

Js.