

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 1063 of 2017

Raja Reddy

... Petitioner

Vs.

1. Kuppammal
2. Sudhakar
3. Manickammal
4. Valli @ Amudhavalli
5. Ramu
6. Lakshmi
7. Sardar
8. Kubendiran
9. Rajendiran Reddy
10. Parveen
11. Ramesh Babu
12. Veema Reddy
13. Latha
14. Purushothaman
15. Deepa
16. Palani
17. The Sub Registrar
Gudiyattam
Having office at Gudiyattam
Vellore.

... Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of return made by the Subordinate Judge, Gudiyatham in un-numbered O.S. SR. 1372 of 2017 dated 02.03.2017, thereby directing the Subordinate Judge, Gudiyatham to take the plaint on the file and to proceed in accordance with law and pass such further orders.

For Petitioner : Mr.P. Vasanth

For Respondents : Mr. Raja Ravi Varma for R7 & R8

ORDER

The present Civil Revision Petition is filed to set aside the order of return made by the Subordinate Judge, Gudiyatham in un-numbered O.S. SR. 1372 of 2017 dated 02.03.2017 and to take the plaint on the file and to proceed in accordance with law.

2. The learned counsel for the petitioner would submit that the plaint presented on 02.03.2017 by the petitioner, was returned by the Subordinate Court, Gudiyatham, pointing out certain discrepancies in the extent claimed by the petitioner. It is stated that the plaintiff has claimed 56 cents in Survey No.45/2, whereas as per the document, there is only 49 cents in Survey No.45. There are also discrepancies in the

boundary, stated in the plaint. Challenging the same, the revision has been filed before this court by the plaintiff.

3. On 21.03.2017, when this matter came up for admission, notice was ordered. Though notice has been served on respondents 1,11, 15 to 17, none appeared. Notice to respondents 2 to 4, 5, 6, 9 and 10 to 14 has been returned unserved. Mr. S. Raja Ravi Varma, learned counsel appeared on behalf of 7th and 8th respondents and submitted that the maintainability of the plaint shall be raised, after numbering of the suit.

4. In view of the above submissions made by the learned counsel for the parties, this Court is inclined to pass the following order :-

1. The petitioner is permitted to re-present the plaint, with proper explanation, within a period of one week from the date of receipt of a copy of this order.
2. On such re-presentation, if it is otherwise in order, the court below shall number the suit, subject to maintainability of the suit, with regard to extent and boundaries of S.No. 45, at a later stage.

5. The Civil Revision Petition is disposed of, with the above directions. No costs.

02.02.2018

Index: Yes/ No

Speaking Order/Non Speaking Order

avr

To

The Subordinate Judge
Gudiyatham
Vellore.



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D. KRISHNAKUMAR J.,

avr



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