

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.01.2018

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

CRP.(PD).No.182 of 2018

Chakravarthi

..Petitioner

Vs.

1.Sangeetha

2.Rajakanni

..Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Subordinate Court, Kallakurichi to number the suit filed by the plaintiff herein in S.R. No.2631 of 2017 dated 20.06.2017.

For petitioner : Mr.T.Sivagnanasambandan

ORDER

The Civil Revision Petition is filed to direct the learned Subordinate Court, Kallakurichi to number the suit in S.R. No.2631 of 2017 dated 20.06.2017.

2.The learned counsel appearing for the petitioner would submit that the plaint in O.S.SR.No.2631 of 2017 has been filed by the petitioner/plaintiff before the Subordinate Court, Kallakurichi and the same was returned on 20.06.2017 with the endorsement of "*How the suit is maintainable to be stated*". The revision petitioner has represented the plaint papers before the Subordinate Court, Kallakurichi on 21.06.2017 by stating that the suit is maintainable. Subsequently, the same was returned on 23.06.2017. The revision petitioner has submitted a detailed explanation on 05.07.2017 for the return of plaint dated 23.06.2017. But, however, the Court below without giving any reasons simply returned on 07.07.2017. After compliance of the return dated 07.07.2017, the plaint was resubmitted on 14.07.2017. Again it was returned on 04.09.2017 with the endorsement that "*the previous return order dated 07.07.2017 still not complied*". Finally, the revision petitioner represented the papers on 12.09.2017 and subsequently, it was again returned by the court below on 25.10.2017 without furnishing any further reasons. Therefore, the revision petitioner has filed the present petition before this Court.

3. In view of the above facts and submissions made by the learned counsel for the petitioner and perusal of the materials available on record, this Court is inclined to direct the revision petitioner to represent the plaint papers within one week from the date of receipt of a copy of this order and thereafter, the Court below is directed to verify, and number the same, if it is in order. If the court below is not satisfied, the same shall be returned to the petitioner duly stating the reasons for return.

4. In the light of the above, the Civil Revision Petition is disposed of. No Costs.

19.01.2018

Speaking / Non Speaking order
Index :Yes/No
Internet :Yes/No
RKP

Note: Registry is directed to return the original copy of the plaint to the petitioner after obtaining copy of the same.

Issue order copy on 23.01.2018

D.KRISHNAKUMAR.J,

RKP

To
The Subordinate Judge,
Kallakurichi.



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