

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.227 of 2018

Murali

.. Petitioner

Vs

1.Dilipkumar
2.Ammu
3.The Medical Officer,
District Government Hospital,
Krishnagiri,
Krishnagiri District

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against rejecting the plaint against the second and third defendants in the unnumbered OS.SR.No.7021 of 2017 on the file of learned Subordinate Judge, Vaniyambadi dated 11.10.2017.

For Petitioner : Mr.K.Thiruvengadam

ORDER

According to the revision petitioner, the revision petitioner has filed a plaint in unnumbered OS.SR.No.7021 of 2017 on the file of

learned Subordinate Judge, Vaniyambadi. The said plaint was returned by the Sub Court by pointing out certain defects. The revision petitioner has complied with the defects and re-presented the papers. By order dated 11.10.2017, the same was returned by stating that the plaintiff is claiming refund of the sum through the document No.1 and the same is allegedly executed by the first defendant. Hence, the suit can be filed against first defendant alone and not against second and third defendants. Challenging the said order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. According to the revision petitioner, legal notice notice has been issued to the first and second defendant. Therefore, both the parties are necessary in the aforesaid suit. Hence, the learned counsel for the revision petitioner has made an endorsement, suit filed against the third defendant is given up. Therefore, the petitioner can proceed the suit against the first and second defendant alone.

3. In the light of the endorsement made by the learned counsel for the revision petitioner, this Court is inclined to pass the following orders.

(a) the return order passed by the court below dated 11.10.2017 is set aside against the second defendant in the suit, insofar as the third defendant, Government Hospital not necessary party in view of the endorsement made by the learned counsel for the revision petitioner.

(b) The revision petitioner is directed to re-present the plaint papers within one week from the date of receipt of a copy of this Order.

(c) In the event of receipt of the said plaint, if it is in order, the court below is directed to number the plaint in accordance with law.

4. The Civil Revision Petition is allowed with above observations. No costs. The Registry is directed to return the original plaint to the counsel for the revision petitioner after obtaining a copy of the same.

सत्यमेव जयते

24.01.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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D. KRISHNAKUMAR J.,

lok

To

The learned Subordinate Judge,
Vaniyambadi



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