

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD) Nos. 3599 and 3600 of 2018

1. G.Srinivasan

2. G.Rani

...Petitioners in both CRPs

Vs

T. Subash Chandran

...Respondent in CRP (PD) 3599 of 2018

T.Maheswaran

...Respondent in CRP (PD) 3600 of 2018

Common Prayer: Civil Revision Petitions filed Under Article 227 of the Constitution of India to set aside docket order dated 16.11.2017 made in Original Suit SR.Nos.8157 and 8160 of 2017 on the file of the learned District Munsif Court, Ambattur

For Petitioners

: Mr.N.Manokaran

for Mr.P.Krishnan

in both CRPs

ORDER

There is no procedure contemplated under the Civil Procedure Code or under the Civil Rules of Practice which empowers the trial Court to pass

orders, on an unnumbered suit for the purpose of rejecting the plaint. If at all the Court is of the view that the plaint is liable to be rejected, the same could be done only after numbering the suit and framing appropriate issues by giving due opportunities to the parties and in the absence of any powers, the Court below passed a detailed order on an unnumbered plaint, is illegal.

2. Though various reasonings have been given in the docket order dated 16.11.2017 for rejecting the plaint, I do not intend to go into the same, since the basic procedure of rejecting the plaint is improper. As such, the docket order dated 16.11.2017 is set aside. Consequently, the learned District Munsif, Ambattur is called upon to direct his Registry to take up the plaint on file, if it is otherwise in order, within a period of one week from the date of receipt of copy of this order. Registry is directed to return the original plaint to the counsel for the petitioners.

3. Accordingly, the Civil Revision Petitions stands disposed of. No costs.

15.11.2018

Index:Yes/No
Speaking Order: Yes/No
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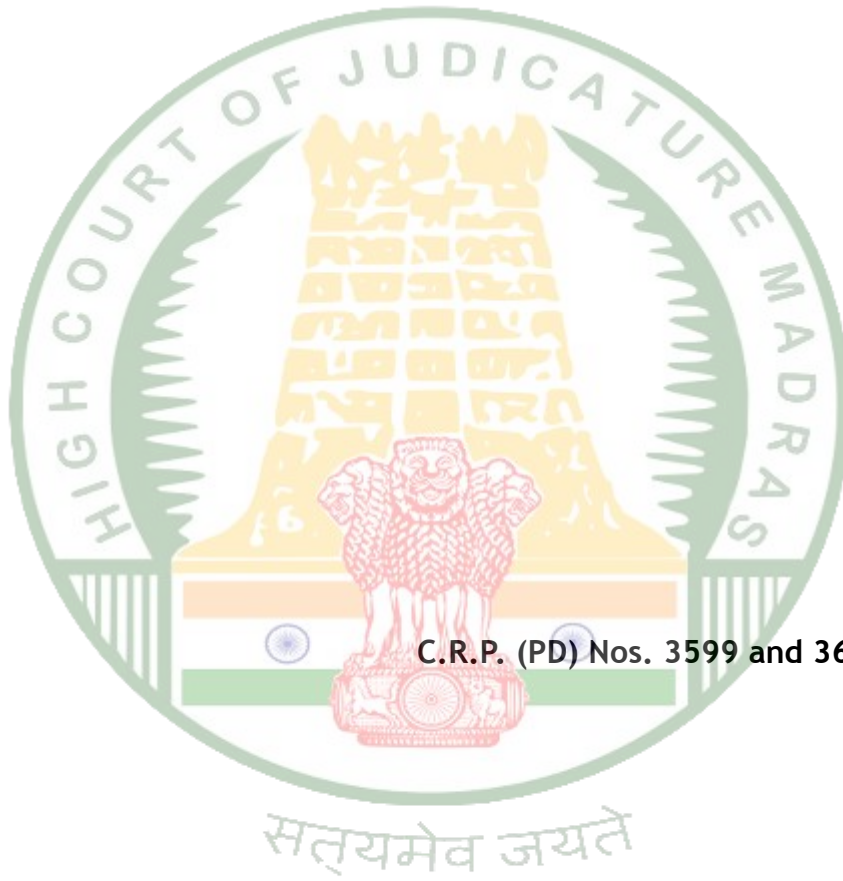
To
The District Munsif,
Ambattur.



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M.S.RAMESH, J.

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