



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (MD) (PD) No.853 of 2018

Jhansi Rani

.. Petitioner / Plaintiff

Vs.

1.K.Janakiammal
2.K.Venkateswaran
3.K.Kannan
4.Selvi

.. Respondents / Defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, praying to set aside the non-speaking order of return in O.S.No.unnumbered/2017, dated 06.04.2018 and direct the learned Subordinate Judge, Sivakasi to number the original suit in S.R.No.8526 of 2017 and allow the Civil Revision Petition.

For Petitioner : Mr.D.Dhana Chandra Prakash

ORDER

The petitioner, who is the plaintiff has filed this Civil Revision Petition, against the non-speaking order, dated 06.04.2018, made in unnumbered Original Suit of the year 2017, on the file of the learned Subordinate Judge, Sivakasi and direct to number the Original Suit in S.R.No.8526 of 2017.

2. The learned Sub Judge, Sivakasi has returned the plaint filed by the petitioner for several times by mentioning that the plaint has various corrections and thereafter, being satisfied with all other reasons, the learned Subordinate Judge, Sivakasi returned the plaint, by directing the petitioner to mention the proper extent and valuation of the property. Again, on 20.02.2018, the petitioner represented the said plaint by mentioning the exact boundaries and valuations of the property. Even then, the learned Subordinate Judge, Sivakasi returned the same on 20.02.2018 itself. Therefore, the petitioner has come up with this petition before this Court.

3. I have heard the learned counsel for the petitioner and perused the records placed before me.

4. On a perusal of the return order dated 17.11.2017, passed by the learned Subordinate Judge, and the representation of the plaint, it seems that the petitioner has represented the plaint on 20.02.2018 by mentioning the exact boundaries and valuations of the



property. But, the learned Judge without mentioning any particular reason, just returned the plaint by stating "previous direction not complied. Hence, returned". Therefore, I do not find any merits in the order passed by the learned Judge. Hence, I am inclined to pass the following order:

1) This Civil Revision Petition is allowed by setting aside the order, dated 06.04.2018, passed in unnumbered Original Suit of the year 2017.

2) The petitioner/plaintiff is directed to represent the said plaint within a period of one week from the date of receipt of the copy of this order.

3) On such filing, the learned Subordinate Judge, Sivakasi, is directed to number the O.S.SR.No.8526 of 2017, if it is otherwise in order, within a period of two weeks.

4) The Registry is directed to return the original papers to the learned counsel for the petitioner on 17.04.2018, so that he can file the same before the Court below within one week time."

No Costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To
The Subordinate Judge, Sivakasi.

Copy to:

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai(2 Copies)
(To return the original papers)

+1CC to Mr.J.Jeyakumaran, Advocate, SR.No. 61529

C.R.P. (MD) (PD)No.853 of 2018

PJL
AM/SV MMS/SAR 2/17.04.2018/2P/5C