



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.871 of 2018

Santhi

... Petitioner/Plaintiff

Vs.

1. Mookkaiah
2. Pappa
3. Muthuraj
4. Packialakshmi

... Respondents/Defendants

Prayer: Civil Revision petition is filed under Article 227 of the Constitution of India, to set aside the impugned order of return, dated 21.02.2018 passed by the learned Subordinate Judge, Theni and consequently, to direct the learned Judge to number the original suit in SR No.5350 of 2017 filed by the petitioner and take on file.

For Petitioner : Mr.D.Jeyakumar

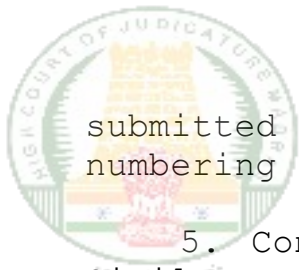
O R D E R

This Civil Revision petition is filed against the impugned order of return, dated 21.02.2018 passed by the learned Subordinate Judge, Theni and consequently, to direct the learned Judge to number the original suit in SR No.5350 of 2017 filed by the petitioner and take on file.

2. Heard the learned counsel appearing for the petitioner.

3. The petitioner has filed an unnumbered suit before the Subordinate Court, Theni, for partition of 1/5th share in the suit property and for permanent injunction. On filing of the above suit, the learned Subordinate Judge, Theni, has passed an order dated 21.02.2018, returning the plaint on various grounds.

4. Learned counsel for the petitioner submitted that the trial Court can decide the share of the plaintiff only after conducting the full fledged trial after adducing the evidence. He further



submitted that the pre-determination of the trial Court before numbering the suit will cause prejudice to the petitioner.

5. Considering the facts and circumstances of the case, the Civil Revision petition is allowed and the impugned order of return, dated 21.02.2018 passed by the learned Subordinate Judge, Theni, is set aside. The learned Subordinate Judge, Theni, is directed to number the suit in SR.No.5350 of 2017 within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Theni.

Copy to:

1. The Record Keeper, V.R.Section/E.R Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

2.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.B.Jeyakumar , Advocate in SR No. 62370

pmu
AE/SV MMS/SAR1/14.05.2018/2P/6C

C.R.P. (MD) No.871 of 2018
19.04.2018



WEB COPY