



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.694 of 2017

1. M.Murugesan
2. Gunasekaran
3. Gnanasekar
4. Arumugam ...RevisionPetitioners/Petitioners/
Plaintiffs

Vs.

1. Mohan Raj
2. Palanisamy
3. Prakash
4. Minor Mahalakshmi
(R-4 is represented through her natural
guardian/father Palanisamy (R-2))
5. The Sub Registrar,
Thirupuvanam,
Thirupuvanam Taluk,
Sivagangai District ... Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 25.11.2016 passed by the learned District Munsif, Manamadurai, in I.A.No.465 of 2016 in unnumbered O.S., and thereby direct the learned District Munsif, Manamadurai, to number the suit and proceed with the same in accordance with law.

For Petitioners : Mr.O.Sivakumar
For R-5 : Mr.M.Murugan,
Government Advocate.
For R-2 & R-3 : Mr.J.Bharathan
For R-1 : No appearance.

O R D E R

Questioning the order passed by the learned Principal District Munsif, Manamadurai, in I.A.No.465 of 2016 in unnumbered suit, dated 25.11.2016, this Civil Revision petition



has been filed.

2. The Revision petitioners had filed a plaint and there was a huge delay in re-presenting the same. I.A.No.465 of 2016 was filed by the Revision petitioner herein for condoning the delay of 1130 days in re-presenting the returned plaint. Normally, this Court would view the matter indulgently and liberally. But in this case, a mere look at the prayer sought for by the Revision petitioners indicates that they only wanted to nullify the documents executed amongst the defendants. The Revision petitioners have not sought for any declaration of their title independently. Therefore, this Court is of the view that even if the plaintiffs are allowed to re-present the returned plaint, it is not going to help them.

3. In this view of the matter, affirming all the reasons given by the Court below, the Civil Revision petition stands dismissed. Of course the Revision petitioners are at liberty to file an independent suit for vindicating their rights in the manner known to law. No costs.

Sd/-
Assistant Registrar(cs-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

TO

1. The District Munsif,
Manamadurai.

2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2COPIES)

+1cc to Mr.T.R.Jeyapalam, Advocate Sr.No.81205

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PMU
DS/RSK/SAR -4/03.10.2018/3P/5C