



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.2170 of 2016

V.Natarajan

.. Petitioner/Appellant/
Plaintiff

vs.

1. Mariammal
2. M.Velmurugan
3. The Inspector of Police,
Thiruppuvanam Town Police Station,
Sivagangai District.

.. Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, against the proceedings in Unnumbered A.S.No. Nil of 2016 on the file of the Sub Court, Sivagangai in O.S.No.9 of 2016 on the file of the Principal District Munsif Court, Manamadurai.

For Petitioner	: Mr.D.Anbarasu
For Respondent No.1	: Mr.M.Suresh
For Respondent No.2	: Mr.R.Udhayakumar
For Respondent No.3	: Mr.M.Karuppasamy
	Government Advocate

ORDER

The revision petitioner herein filed O.S.No.9 of 2016 on the file of the Principal District Munsif Court, Manamadurai, seeking the relief of permanent injunction. In the said suit I.A.No.81 of 2016 was filed by the second defendant for rejection of plaint. The said IA was allowed on 19.07.2016. In fact, the Court below had also passed a judgment and decree dismissing the suit based on the order made in IA.No.81 of 2016. Aggrieved by the rejection of the plaint, the revision petitioner herein filed a first appeal before the Sub Court, Sivagangai. The learned first Appellate Judge declined to number the same and returned the appeal papers. Hence, the civil revision petition has been filed.



3. An order rejecting the plaint is appealable. Because the rejection of plaint would amount to decree. Therefore, the first Appellate Court ought to number the first appeal filed by the revision petitioner herein. The Registry is directed to return the memorandum of first appeal filed by the revision petitioner herein in original, for re-presentation before the first Appellant Court. Upon such re-presentation by the revision petitioner herein, the first Appellate Court shall number the same and dispose of the same in accordance with law. This Civil Revision Petition is allowed accordingly. No Costs.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Subordinate Judge, Sivagangai.
2. The Principal District Munsif, Manamadurai.
3. The Section Officer, E.R.Section,
Madurai Bench of Madras High Court,
Madurai. (To return the Memorandum of AS)
4. The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.ANBARASU, ADVOCATE IN SR No. 78447
+ 1 CC TO Mr.R.UDHAYAKUMAR, ADVOCATE IN SR No. 78602
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78513

PJL

TE/JM/RSK/SAR-3 : 14/09/2018 : 2P/9C

C.R.P. (MD) No.2170 of 2016
13.08.2018