



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (PD) (MD) .No.2364 of 2016

P.Raju

... Petitioner/Plaintiff

Vs.

1.S.M.Mani @ Loganathan
2.Minor Arjunsingh
3.Oviar mani
4.L.Menaka
5.L.Rajesh
6.L.Kousikan

... Respondents /Defendants

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the order of learned District Judge, Karur dated 06.10.2016 in returning the plaint in O.S.S.R.No.5158 of 2016 on the file of District Court, Karur.

For petitioner : Mr.K.Govindarajan

For R3 and R4 : No appearance

ORDER

The revision petitioner filed the plaint bearing A.No.5158 of 2016 before the Principal District Judge, Karur. The relief sought for is one for specific performance. The Court below did not number the suit on the ground that the agreement in question has not been registered.

2.I am of the view that the suit can be numbered if the plaint is otherwise in order and the issue relating to maintainability can be left open to the defendant to raise the same, upon their entering appearance.

3.The Court below is directed to number the plaint if it is otherwise in order. The Registry shall return the original plaint filed by the revision petitioner.

4.Accordingly, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To:

The Principal District Judge,
Karur.

Copy to
The Record Keeper,
ER Section,
Madurai Bench of Madras High Court,
Madurai. 2 copies

- 1 CC TO Mr.K.Govindarajan , ADVOCATE IN SR No. 83257.
pnn
DS SV SAR3 26 10 2018 2P 5C

ORDER MADE IN
C.R.P. (PD) (MD) .No.2364 of 2016

07.09.2018