

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 18.12.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P(MD).No.2811 of 2018 (PD)**1.Kandhasamy
2.Selvi... Revision Petitioners/
Plaintiffs

Vs.

1.P.Kanagasabai
2.K.Nagalingam... Respondents /
Defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the order, dated 11.12.2018, made in unnumbered O.S.No.Nil of 2018 (Diary No.2689 of 2018) on the file of the District Munsif Court, Thiruppathur and direct the lower Court to number the suit.

For petitioner

: Mr.S.Natarajan

ORDER

This Civil Revision Petition has been filed by the petitioners against the endorsement made by the Court below, dated 11.12.2018, whereby and whereunder the Court below has returned the suit papers seeking explanation of the maintainability of the suit.

2. When this Court pointed out that the order, dated 11.12.2018, cannot be termed as an impugned order and the petitioners could have very well approached the Court below and explained the maintainability of the suit, the learned counsel appearing for the petitioners submitted that the learned counsel, who appeared for the petitioners before the Court below, has already approached the learned District Munsif and explained about the maintainability of the suit, but the learned District Munsif has orally rejected the same.

3. As stated earlier, the order, dated 11.12.2018, is only an endorsement made by the District Munsif seeking explanation of the maintainability of the suit. Without there being any specific rejection order, it would not be proper on the part of this Court to issue a direction or play the role of the lower Court on presumption



or assumption.

4. In view of the above, the petitioner is directed to represent the suit before the Court below explaining the maintainability of the suit and if necessary, the Court below may place the matter before the Court "for maintainability" and after hearing the submission of the learned counsel for the plaintiffs, the Court below shall decide the issue whether the suit is maintainable or not and thereafter, shall pass order on merits and in accordance with law as expeditiously as possible. No costs.

5. This civil revision petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AD I)

/True Copy/

Sub Assistant Registrar(CS I)

gcg

Note : (i) The Registry is directed to return the original documents to the petitioners after getting photostat copy of the same.

To

1.The District Munsif,
Thiruppathur.

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

1CC TO MR. S. NATARAJAN, ADVOCATE SR 100730

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C.R.P(MD) .No.2811 of 2018 (PD)

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