



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANC.R.P.(PD) (MD) No.1821 of 2018G.Jeyaraman ... Petitioner / 1st Plaintiff

Vs.

1.K.Azhakumala ... 1st Respondents / Defendant

2.G.Govindan

3.G.parameswran ... Respondents 2 and 3 / Plaintiffs 2 and 3

PRAYER: Petition filed under Section 227 of Constitution of India, to direct the learned Principal District Munsif, Srivilliputhur for numbering the suit un-number O.S. On the file of the Principal District Munsif, Srivilliputhur.

For Petitioner : Mr.M.Vijayarathinam

ORDER

The revision petitioner along with respondents 2 and 3 presented the plaint in question seeking the relief of declaration and permanent injunction. The Court below declined to number the plaint on the ground that the market value has not been correctly determined and on the ground that the suit is bad for *res judicata*.

2.This Court is of the view that the assessment made by the plaintiff can be accepted by numbering the suit, subject to the objections that may be raised by the defendants or other parties on the litigation. *Res judicata* cannot be a ground for declining to number the plaint. In this view of the matter, the Court below is directed to number the plaint and take the same on file.

3.In the result, this Civil Revision Petition is allowed. No costs. Registry is directed to return the original plaint, so that the petitioner herein can re-present the same before the concerned Court.

Sd/-

Assistant Registrar(crl side)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar(CS-III)



To

1. The Principal District Munsif, Srivilliputhur.

WB COPY
2. The Section Officer, (2 copies)
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Vijayarathinam, Advocate Sr.No.80299

CMR

VB/SKN/SAR3/19.09.2018/2P/5C

C.R.P. (PD) (MD) No.1821 of 2018
23.08.2018