



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2018

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THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P (MD) .No.1133 of 2018

R. Mohamed Ismail

... Petitioner

Vs.

1.K.N.M. Abdul Kader
2.E.S.M.M. Mansoor Ali
3.E.S.M.M. Anwar Hussain
4.Basheera Begam
5.Fathima Beevi @ Shabina
6.Haleema Sara
7.The State of Tamil Nadu
rep. by District Collector,
Thirunelveli District.
8.The 2nd Joint Sub-Registrar,
Office of the 2nd Joint Sub Registrar,
Tenkasi, Thirunelveli District.

... Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Docket order dated, 28.04.2018 made in O.S.No. (unnumbered) of 2018, on the file of the Principal District Court, Thirunelveli and direct the Court below to number the same and decide the same on merits after giving due opportunities to all the parties.

For Petitioner

... Mr. A. Arumugam

For R7 and R8

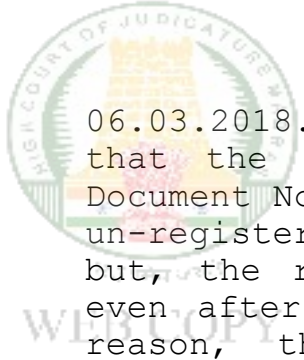
... Mrs. V.P.M. Vaishnavi
Government Advocate

ORDER

The petitioner has filed the present Civil Revision Petition to set aside the Docket order dated 28.04.2018, made in O.S.No. (unnumbered) of 2018, on the file of the learned Principal District Judge, Thirunelveli and to number the same and to decide the same on merits, after giving due opportunities to all the parties concerned.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent Nos.7 & 8.

3. The revision petitioner, who is the plaintiff, has filed an un-numbered suit before the learned Principal District Judge, Thirunelveli, and the said plaint was returned on 26.02.2018 and for that, the petitioner has also rectified and represented on



06.03.2018. Even though the Court has returned the plaint stating that the Original Promissory note dated, 11.05.2006 averred as Document No.1 to be filed, it is the case of the petitioner that the un-registered mortgage deed of the petitioner is of the year 2006, but, the registration is compulsory only after 2012. Therefore, even after the return of the said plaint by mentioning the above reason, the return of plaint by the learned Judge is not maintainable. Therefore, this Court is inclined to dispose of the Civil Revision Petition with the following direction:

"The learned Principal District Judge, Thirunelveli, is directed to number the suit within a week from the date of receipt of a copy of this order and thereafter, dispose of the same on merits and in accordance with law, after giving due opportunities to the parties concerned.."

4. Accordingly, this Civil Revision Petition is disposed of. No order as to costs.

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Principal District Judge, Thirunelveli.
2. The District Collector, Thirunelveli District.
3. The 2nd Joint Sub Registrar, O/o the 2nd Joint Sub Registrar, Tenkasi, Thirunelveli District.

+1cc to M/s.AJMAL ASSOCIATES, Advocate, SR.No. 68177
+1cc to M/s.Special Government Pleader, SR.No. 68462

C.R.P (MD) .No.1133 of 2018
13.06.2018

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