

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 23.07.2019**

**C O R A M**

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

**C.R.P.(PD) No.2259 of 2019**

P.Karuppathal

: Petitioner

Vs.

1.P.Kalimuthu

2.The Special District Revenue Officer,  
(Land Acquisition National Highways),  
No.209, 567, A.P.J.Abdul Kalam Street,  
Chennamanayakkanpatti,  
Dindigul-624 001.

3.The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Udumalpet,  
Tiruppur District.

4.The Tahsildar,

Office of the Tahsildar,  
Madathukulam,  
Tiruppur District.

: Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the returned docket order passed in CNR No.TNT10E0002382019 in un-numbered filing O.S.No.305 of 2019, dated 14.06.2019 on the file of the District Munsif Court, Udumalpet, to number the original suit.

For Petitioner : Mr.N.Umapathi  
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**ORDER**

Aggrieved over the return of the plaint made by the learned District Munsif, Udumalpet, the above Civil Revision Petition has been presented.

2. According to the petitioner, the plaint was returned for certain defects and she has complied with all the returns. The Trial Court has returned the plaint on frivolous grounds. Therefore, she seeks direction to number the plaint.

3. Heard the submissions of the learned counsel appearing for the petitioner.

4. This Court in the judgment reported in **2009(5) CTC 550 [R.Manickam v. The Sengunthar Charitable Trust]**, has elaborately dealt with the procedural requirements for filing suit and registration of plaint under Order 7 Rule 1 of the Code of Civil Procedure and observed as under:

**"10. The litigants would be put to difficulties in case the Court of original jurisdiction drag them from pillar to post, even before registering the Plaint. The attempt of the Court before registering the Plaint should be to ascertain as to whether the procedural requirement for filing such a Suit has been complied with by the plaintiff. The statutory provisions as**

contained under Order 7, Rule 1 of the Code of Civil Procedure prescribes the particulars to be contained in the Plaint. In addition to the institution of the Suit of general nature, there are Suits in particular cases like the Suit by or against the Government or public officers in their official capacity, interpleader Suits, Suits relating to public nuisance or other wrongful acts affecting the public at large as well as Suits relating to public charities within the meaning of Section 92 of the Civil Procedure Code. There is a prescribed procedure contemplated for institution of such specified Suits. The Court was obliged to examine as to whether the plaintiff has complied with such fundamental procedures, and in case of such compliance, the Court has no other alternative than to register the Plaint. The Court was not powerless even after registering the Plaint. The statutory provision as per Order 7, Rule 11 of the Code of Civil Procedure enables the Court to reject the Plaint at any point of time. It is not necessary to file written statement by the defendant for the purpose of exercising the jurisdiction to reject the Plaint."

5. Considering the above judgment, a direction is given to the learned District Munsif, Udumalpet, to number the plaint and take further proceedings in accordance with law.

6. Registry is directed to return the original papers, enabling the petitioner to present the same before the Trial Court, after substituting the same with a photocopy.

7. The Civil Revision Petition is disposed of with the above direction.

No costs.

**23.07.2019**

Index:Yes/No

Internet: Yes/No

SML/bkn

To

1.The District Munsif Court,  
Udumalpet.

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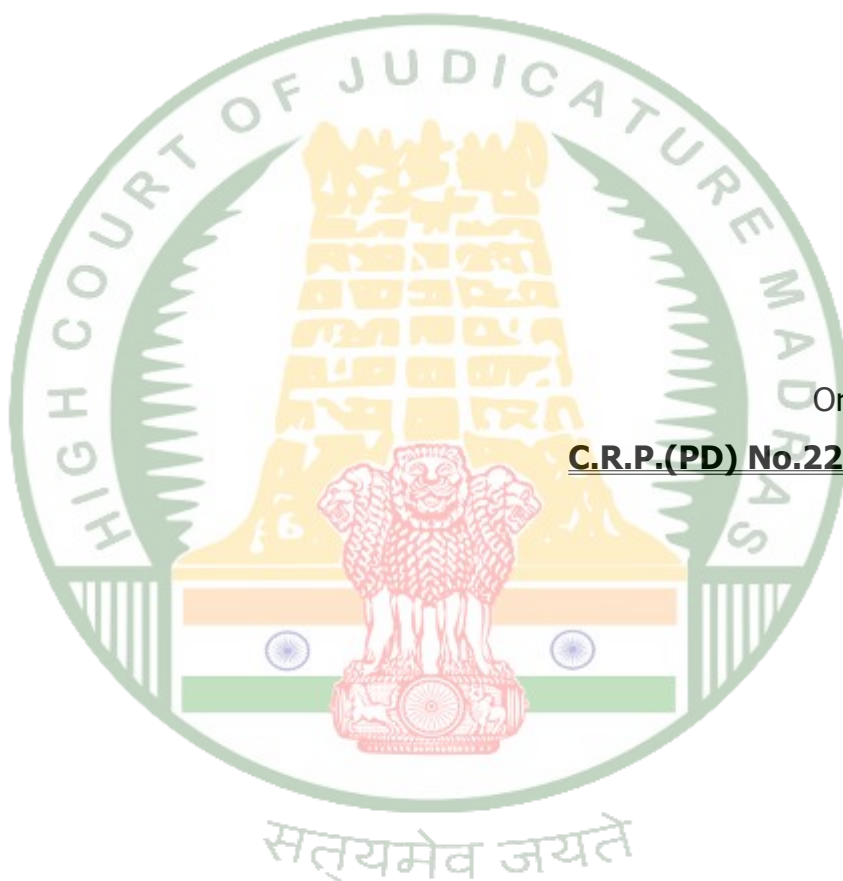
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CRP (PD) No.2259 of 2019

**M.GOVINDARAJ, J.**

SML/bkn



Order made in

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