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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P. (PD) (MD) No.2646 of 2018

and

C.M.P. (MD) No.11574 of 2018

R.Megala

... Petitioner/Plaintiff

Vs.

1.Dhanalakshmi

2.Ramasundara Kumar @ Ramasundaram

3.Ramasundarakani

4.Shanthi

5.Geetha

... Respondents / Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the learned District Munsif, Sathankulam, dated 31.10.2018 in Un-Numbered O.S.No. of 2018.

For Petitioner : Mr.P.Pethu Rajesh

For Respondents : No appearance

O R D E R

The Civil Revision Petition has been filed by the petitioner against the order passed by the learned District Munsif, Sathankulam, dated 31.10.2018 in Un-Numbered O.S.No. of 2018.

2.Heard the learned counsel appearing for the petitioner.

3.On perusal of the records it is observed that the petitioner herein is challenging the return made by the learned District Munsif, Sathankulam, on 31.10.2018. In the return order points 1 to 6 have to be complied by the petitioner herein. The points 1 to 6 are referred as follows:

"1.Previous this Court direction dated 10.10.2018 has not complied.

2.As per amended Tamil Nadu Court Fee Act, for present market value of the subject matter, Court Fee to be paid.

3.Since the plaintiff already party in O.S.No.111/2010 as a 5th defendant. If summons was not duly served she is having a ground to set aside the exparte decree under Order 9 Rule 13 C.P.C. while so, now this present suit is maintainable?



4.As per section 96 of C.P.C., an appeal may lie from an original decree passed exparte, while so, how the suit is maintainable without filing appeal against decree of O.S.111/2010.

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5.Fresh docket sheet to be attached

6.Time 15 days."

4.On perusal of the records, it is observed that the petitioner had not represented the returned papers by complying with the said representation made by the Court below. Now, the grievance of the petitioner is that the suit filed by him has to be numbered either by the District Munsif, Sathankulam or by the Sub Court, Thiruchendur.

5.The petitioner has preferred the Civil Revision Petition by challenging the order, passed by the learned District Munsif, Sathankulam, dated 31.10.2018 in Un-Numbered O.S.No. of 2018 stating that without complying the said returns, representing the same. It is not known as to how the Civil Revision Petition, preferred by the petitioner without representing the same and not making compliance, is maintainable.

6.In view of the above stated factual position, this Court is of the view that there is no merit in this Civil Revision Petition. Hence, this Civil Revision Petition is dismissed with a cost of Rs.500/-. The petitioner is directed to deposit a sum of Rs.500/- to the credit of the Honourable Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai within a period one week from the date of receipt of a copy of this order and the petitioner is at liberty to prefer the suit. Regarding the value of the suit as well as the Jurisdiction of the Court, he is at liberty to file a petition before the appropriate Court. Consequently, connected Miscellaneous Petition is closed.

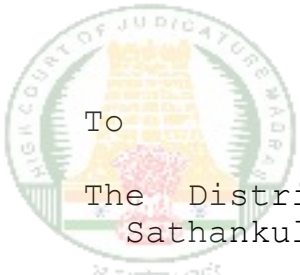
Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

Ls



To

The District Munsif,
Sathankulam.

COPY TO:

1. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. 2COPIES
2. The Account Section,
Madurai Bench Of Madras High Court, Madurai.

+1CC to Mr.PETHU RAJESH , Advocate SR.No. 49961.

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DS/ /SAR- (04.04.2019) 3P 6C