



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.10.2019**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP(MD)No.1891 of 2019

M/s.Society of Human Resource Development,
Rep. by its Manager Mr.Joe Prakash
Pillar, Annai Velangani Nagar,
Nagamalai, Madurai - 625 019. ... Petitioner/Plaintiff

versus

Gurusamy ... Respondent/Defendant

Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 20.03.2019 passed in O.S.No.unnumbered/2019 on the file of the Principal District Munsif Court, Thirumangalam and to set aside the same and further direct the Principal District Munsif Court, Thirumangalam to number the plaint filed by the Petitioner/Plaintiff and take the same on file.

For Petitioner : Mr.T.Balakumaran

ORDER

This Civil Revision Petition has been filed challenging the order dated 20.03.2019 passed in O.S.No.unnumbered/2019 on the file of the Principal District Munsif Court, Thirumangalam.

2. The revision petitioner herein filed a suit before the Court below for recovery of Rs.79,560/- along with interest at the rate of 18% p.a. from the date of filing the suit till the date of realization, from the defendant. However, the Court below refused to number the suit and returned the plaint stating that the suit is not maintainable for the following reasons:

a) There is no agreement between the defendant and the plaintiff.

b) There is no proof of the defendant having committed to pay any agreed amount to the plaintiff.

c) The plaintiff himself appears only to concede a unilateral agreement.

d) There is no proof for the programs to have taken place.

e) There is no proof of any admitted amount said to have been paid by the defendant.



3. The learned counsel appearing for the revision petitioners submitted that the revision petitioner is a Society established for the purpose of attracting reputed organizations to conduct seminars, workshops, training programs and educational programs. The respondent herein approached the revision petitioner for conducting a programme. In turn, the expenditure quote was sent to the respondent on 07.12.2017 by the revision petitioner via E-mail. According to the revision petitioner, as on date, the respondent/defendant is liable to pay a sum of Rs.79,560/-. In this regard, the revision petitioner also sent a legal notice on 25.09.2018 and the respondent received the said notice, but, he did not give any reply to the said notice. However, the Court below, without considering the same, refused to number the suit. The learned counsel further submitted that the reasons/queries raised by the Court below will have to be decided only after hearing both sides. But, the Registry, before numbering the suit, on its own manner, has decided the same and returned the plaint, which is not unwarranted as per law.

4. Heard the learned counsel appearing for the revision petitioner and perused the records.

5. Admittedly, there was a proof for sending expenditure quotation by way of e-mail on 07.1.2017. Further, a legal notice was sent on 25.09.2018. Even after receiving the said notice, the defendant has not sent any reply to the said notice. Non-sending of any reply to the notice can be taken to be an act of admission of liability. When that being the case, refusal to number the suit is unsustainable in law. Therefore, this Court directs the Court below to number the suit and decide the matter on merits and in accordance with law, after hearing both sides.

6. With the above direction, the present Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

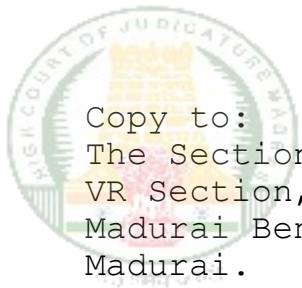
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Sub Assistant Registrar(CS)

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To

The Principal District Munsif Court,
Thirumangalam.



Copy to:
The Section Officer (2 Copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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+1 CC to M/s.T.BALAKUMARAN, Advocate (SR-93897[F] dated 23/10/2019)

CRP (MD) No.1891 of 2019
22.10.2019

JMN(03.12.2019) 3P : 5C