



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P (MD)No.1774 of 2019

- 1.P.Sithanan
- 2.P.Subbaiah
- 3.Avudaiyammal
- 4.Guruvammal
- 5.Gurulakshmi
- 6.Koppammal
- 7.Guruvammal
- 8.Saroja
- 9.Chitra
- 10.Ramamoorthi
- 11.Karthikannan
- 12.Saravanan
- 13.Pusphalatha
- 14.Rajeswari
- 15.Rajendran
- 16.Rajagopal
- 17.Ramamoorthy
- 18.Lakshmi
- 19.Kannapiran
- 20.Subbulakshmi



21.Mallikadevi

22.Suryakala

23.Saraswathi

24.Vimala

25.Kasthuri

26.Mariyammal

27.Gopalakrishnan

...Petitioners / Plaintiffs

Vs.

1.Bharatha

2.Rajalakshmi

3.Ramani

4.Uma

5.Kannadasan

6.Jawahar

7.Vasuki

8.Shanthi

9.Sumathi

10.Subbulakshmi

11.Kanagavalli

... Respondents / Defendants

PRAYER: Civil Revision Petition is filed, under Under Article 227 of the Constitution of India, against the order dated 29.04.2019 made in unnumbered O.S.No. Of 2019 on the file of the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur.

For Petitioners : Mr.T.Thirumurugan

O R D E R

This Civil Revision Petition has been filed against the order, dated 29.04.2019 passed in unnumbered O.S.No. Of 2019 on the file of the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur.



2.It is the contention of the learned counsel for the revision petitioner that the petitioner has rectified all the defects pointed out in the order of return, dated 06.03.2019, in the manner stated below:-

Sl. No.	Query	Compliance
1.	Document to be filed as per the plaint list	On perusal of Page No.35 of the typed set filed by the petitioner, it reveals that the petitioner relied upon 25 documents and all the 25 documents were presented before the Court below at the time of filing. For better appreciation, the petitioner is ready to produce those documents before this Hon'ble Court.
2.	Power Petition returned	In fact the power petition was return along with plaint with direction to rectify the mistake in cause title, to furnish registered power deed and to fill up the blanks in the affidavit. The petitioner re-presented the same by making necessary correction and by filing the copy of the power of attorney deed on 08.04.2019.
3.	Name Of The Court Which Is Having Jurisdiction to be given correctly.	As per the pecuniary as well territorial Jurisdiction, the Sub Court, Srivilliputhur alone have Jurisdiction to try the suit.
4.	Full of correction in value of properties with clean copy of the same to be filed.	The petitioner made certain correction clearly regarding the marked value of the property mentioned in the schedule of properties.
5.	How The Plaintiffs Are Entitled Fro 4/5 Share In The A, B Schedule property as per genealogy chart.	It is matter of merits and this petitioner had already pleaded in his plaint and ready to establish the same at the time of trial.
6.	Two copies genealogy chart to be filed	The petitioner had already filed two copies of Geology.
7.	Guideline value of the suit properties to be highlighted	At Para No.10 of the Plaint, the petitioner already highlighted to value of the property and court fee in detail.



However, inspite of the compliance of the same, the plaint was again returned by the Court below.

3.Considering the submissions made by the learned counsel for the petitioner and on perusal of the records, it appears that though the revision petitioner has complied with the defects pointed out in the order of return, it has been returned once again in a mechanical manner to comply with the order of the Court below dated 06.03.2019. Therefore, this Court directed the Court below to number the suit and decide the matter on merits.

4.In the result, this Civil Revision Petition is allowed. No costs.

Sd/-
Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE SECTION OFFICER,
V.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (2 COPIES)

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-91442[F] dated 04/10/2019)

**Order made in
C.R.P (MD)No.1774 of 2019
04.10.2019**

JM/30.10.2019/4P/5C