

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P.No.1050 of 2020

Sabir Anwar Memon

... Petitioner

Vs.

M/s. Future Pipe Industries Service (P) Ltd.,
Represented by its Managing Director,

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order passed by the learned Principal District Judge, Chengalpattu, in refusing to register and to take it on file for adjudication of unnumbered in O.S.SR.No.6067 of 2019 FOS/1932/19/CNR TNKP 010059942019 by an order dated 22.10.2019.

For Petitioner : Mr.K. Shanmugakhani

O R D E R

According to the petitioner, he has filed a plaint in SR.No.6067 of 2019 before the learned Principal District and Sessions Court, Kancheepuram District @ Chengalpattu on 20.08.2019, wherein it was returned due to some defects in the aforesaid plaint are follows:

"The pecuniary value of the suit is Rs.50 lakhs. The territorial jurisdiction is with this Court since the cause of action has arose within this Court. The inherent jurisdiction of the Court is with this Court only. Hence, this Court alone has the jurisdiction. Hence, represented after compliance. The suit may be posted before the Court for maintainability of the suit".

After returning of the said plaint, the petitioner had re-submitted the aforesaid plaint before the Court below, but the aforesaid plaint was returned in view of the previous order that has not been complied with by the petitioner. Hence, the petitioner has come forward with the present revision petition before this Court.

2. On a perusal of the returned plaint, it was pointed out that there is no jurisdiction to file the aforesaid plaint before the Court below. Thereafter, the aforesaid plaint was re-submitted by the petitioner stating that there is cause of action has arisen in the Court, but the detailed submission made by the petitioner. Therefore, at this stage, the learned counsel for the petitioner seeks time stating that the aforesaid plaint will be re-submitted before the learned Principal District and Sessions Court by giving detailed explanation for the returned plaint for some defects and re-present it before the Court below.

3. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to direct the following order:-

The revision petitioner is directed to re-submit the aforesaid plaint in OS.SR.No.6067 of 2019 before the learned Principal District and Sessions Court, Chengalpattu, along with detailed explanation for the reason of some defects pointed out by the Court below, as expeditiously as possible within a period of four weeks from the date of receipt of a copy of this order. If the said papers are re-submitted by the petitioner, the Court below is directed to take appropriate decision for maintainability of the said plaint.

4. With the above directions, the Civil Revision Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Principal District Judge, Chengalpattu.

+1cc to M/s.K.Shanmugakani, Advocate in Sr no.21333

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CRP.No.1050 of 2020

KS(CO)
RV(02/09/2020)