

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP. No.1917 of 2020

S. Babu

... Petitioner

Versus

1. J.Jagan

2. Ravanammal

... Respondents

Civil Revision Petition filed under Section 227 of the Constitution of India, praying to direct the learned District Munsif, Thiruvottriyur, to entertain the un-numbered O.S.No..... of 2020, to take the plaint on the file of the learned District Munsif Court, Thiruvottriyur, to issue process and to proceed with the case.

For petitioner : Mr.T.Arun Kumar

ORDER

Heard the learned counsel for the petitioner and perused the materials available on record.

2. The plaintiff is the petitioner herein. He filed the plaint before the learned District Munsif Court, Thirvotturiyur and the same was returned with an endorsement that as per Section 9 of CPC, the suit itself is barred and it cannot be entertained.

3. After perusing the return endorsement made by the Munsif Court and taking into consideration of the averments made in the plaint that the suit cheque was obtained by the defendant out of force and duress at the Police Station and subsequently, the plaintiff has also issued a stop payment notice to the Bank and now, he wanted the relief to declare the cheque leaf bearing No.125850, dated 05.09.2020 as null and void since, the cheque leaf was obtained by coercion and compulsion, I am of the considered view that this suit has to be taken on file and the return endorsement made by the learned District Munsif, by order dated 23.09.2020 is hereby struck off. Therefore, the learned District Munsif is required to take the plaint on the file, if it is otherwise in order in other aspects.

5.With these observation and direction, the Civil Revision  
Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

klr

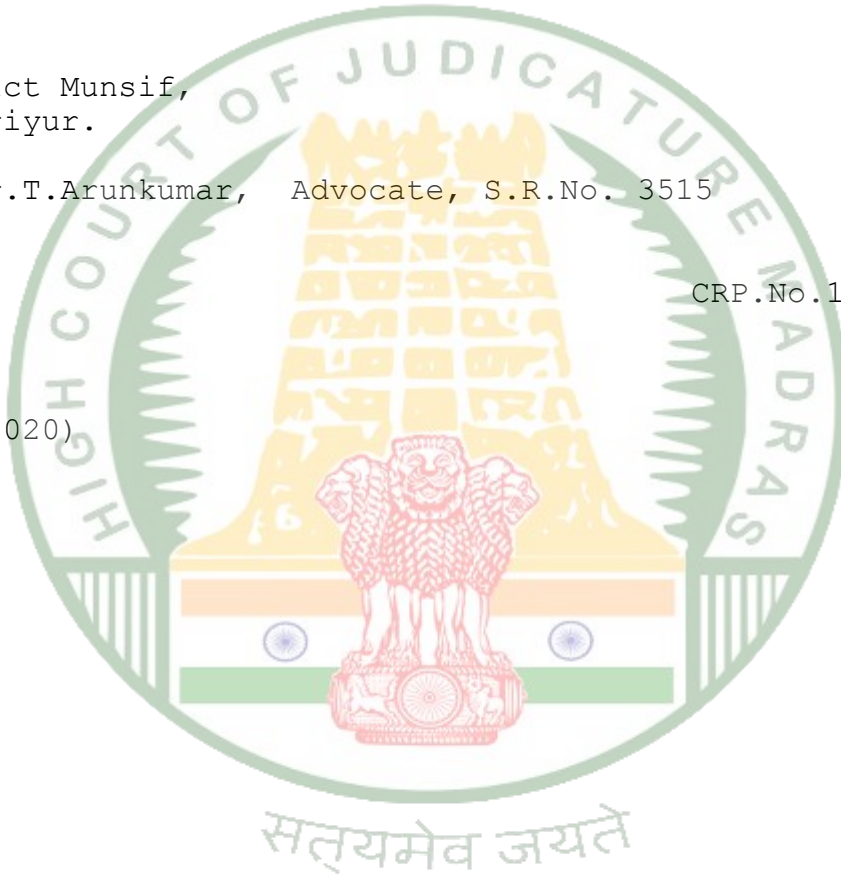
To

The District Munsif,  
Thiruvottriyur.

+lcc to Mr.T.Arunkumar, Advocate, S.R.No. 3515

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SPD (CO)  
GN (03/11/2020)



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