

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.1779 of 2020
and C.M.P.No.10938 of 2020

B.Sundari,
Honorary Secretary,
St.John Ambulance Association (India),
Tamil Nadu State Centre,
No.1, Mayor V.R.Ramanathan Road, (East),
Chetpet, Chennai-600 031.

: Petitioner

Vs.

- 1.G.Ramakrishnan, I.A.S. (Retd.)
- 2.Mr.Justice S.Jagadeesan (Retd)
- 3.Assistant Commissioner of Police (L&O),
Egmore Police Station,
Egmore, Chennai.
- 4.Inspector of Police (L&O),
F-2 Egmore Police Station,
Egmore, Chennai.

: Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 19.08.2020 made in unnumbered O.S.S.R.No.21892 of 2020 on the file of the First Assistant City Civil Court at Chennai, and to direct the Court below to number the suit.

For Petitioner : Mr.V.Karthic,
Senior Counsel,
For Mr.K.P.Suresh Kumar

ORDER

This Civil Revision Petition has been preferred against the order rejecting the plaint and for a consequential direction to the Jurisdictional Court to number the plaint and proceed with the suit.

2. The learned Senior Counsel appearing for the petitioner submits that the order of the Trial Court in rejecting the plaint without even numbering the suit is bad in law. Non-impleading a party and the finding that the plaint does not constitute any cause of action, as if full-fledged trial was conducted by the parties, is bad and the order should be set aside.

3. I have gone through the order. The plaintiff describes herself an Office Bearer of an Association. Entire pleadings revolve around the Constitution and Bye-Laws of the Association, particularly, the action of His Excellency the Governor of Tamil Nadu in nominating the Office Bearers. But the said order has neither been produced nor challenged. Without production of the order or pleadings in respect of the same, it cannot be considered that the plaint constitutes any cause of action. As found by the Trial Court, the said Association to which the parties are elected or nominated is not impleaded as a party. The frame of the above suit is like a private litigation between the parties

and the prayer sought for without impleading the Association is absolutely without cause of action.

4. It is noted that several returns were made to the plaint, and it was re-presented after rectifications. The requirement under Order VII of the Code of Civil Procedure was not complied with. The Trial Court gave an opportunity to the counsel for plaintiff to argue the matter and rejected the plaint. Insofar as the procedure is concerned, I do not find any irregularity or infirmity. If the plaint does not satisfy the requirements of necessary pleadings to constitute cause of action and impleading necessary parties, it cannot be entertained. Therefore, the order under challenge does not suffer any illegality. It is always open to the petitioner/plaintiff to comply with the requirements of Order VII of the Code of Civil Procedure and present the plaint to the Court.

5. If such plaint is presented, as observed above, the Trial Court is directed to number the same and proceed in accordance with law.

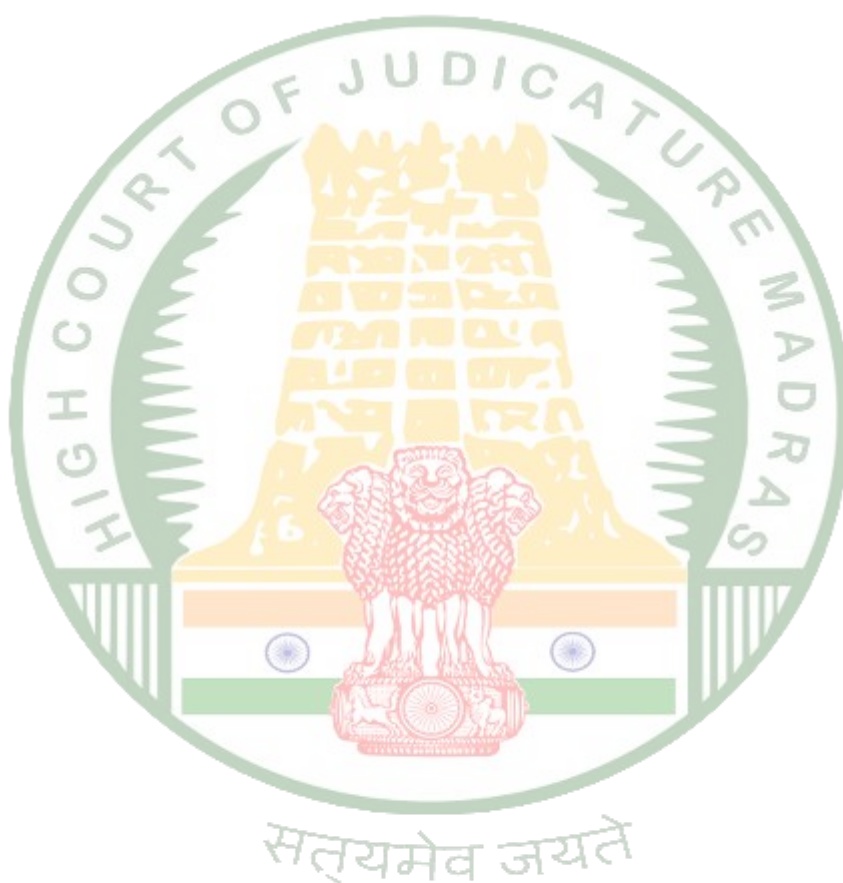
6. With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

01.10.2020

ms/asi

To

The First Assistant Judge,
City Civil Court,
Chennai



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M.GOVINDARAJ, J.

ms/asi



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