

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. PD 2132 of 2019

P.Ettammal

... Petitioner

Versus

1. R.Vanmathy
2. R.Raaj Preeth
3. Indian Overseas Bank
Namakkal Branch,
rep. by its Branch Manager
Turaiyur Road, Namakkal.

4. City Union Bank Ltd.,
Namakkal Branch,
rep. by its Branch Manager,
Turaiyur Road, Namakkal.

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to number the unnumbered P.O.P. Sr No.3983 of 2019 on the file of District and Sessions Court, Namakkal.

For Petitioner : Mr.Abrar Mohamed Abdullah

ORDER

This Civil Revision Petition filed against the order returning the petitioner's suit filed under Order 33 Rule 1 of C.P.C.

2. Mr. Abrar Mohamed Abdullah, learned counsel appearing for petitioner submitted that, the suit has been filed under Order 33 Rule 3 of C.P.C. to sue as an indigent person. The suit has has been returned to comply with as many as 7 defects, which are extracted hereunder :

- “1. Separate paper O.P. Petition to be filed.
2. Vakalath to be filed.
3. Necessary documents regarding 'B', 'C' schedule property
4. District Collector to be added as a party.
5. Proof affidavit, duplicate plaint to be filed.
6. Para 17, 18 is incorrect.
7. Batta memo to be filed.

So far as first return is concerned, he has complied with. So far as second return regarding filing of vakalat is concerned, the

petitioner can file vakalat only after the original petition has been ordered under Order 33 Rule 3 of C.P.C., and there is no necessary to file vakalat before ordering the petition under Order 33 Rule 3 of C.P.C. So far as third and fourth returns are concerned, the petitioner has complied with. With regard to fifth return for filing a duplicate plaint, as per Order 33 Rule 8, before the suit is registered, there is no necessary to file a duplicate plaint. In respect of sixth return regarding the valuation of property, the issue need not be decided at this stage and only after the application to file a suit as indigent person has been ordered, the question of valuation can be considered. So far as seventh return is concerned, the petitioner has to pay the batta, the learned counsel submitted that, the petitioner is ready to comply the same.

3. I have considered the arguments made by the learned counsel appearing for petitioner and perused the relevant rules as well as records.

4. Considering the submissions made by learned counsel appearing for petitioner, the court below is directed to accept the plaint and decide the application filed under Order 33 Rule 3

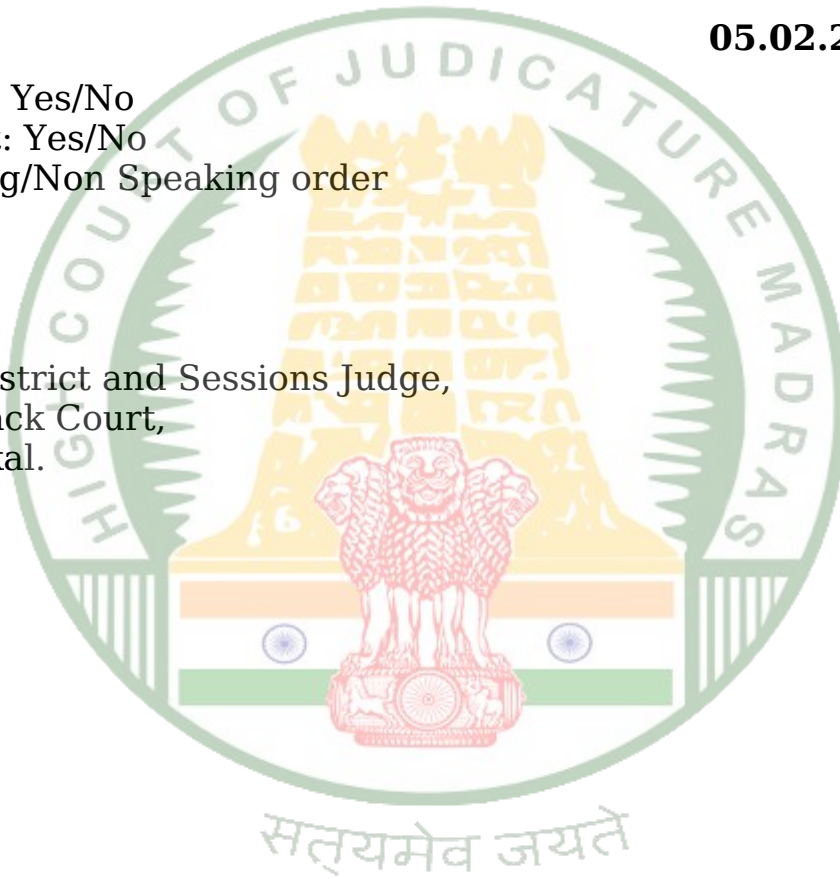
of C.P.C. without insisting for the above said returns. Accordingly, this Civil Revision Petition stands disposed of. No costs.

05.02.2020

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

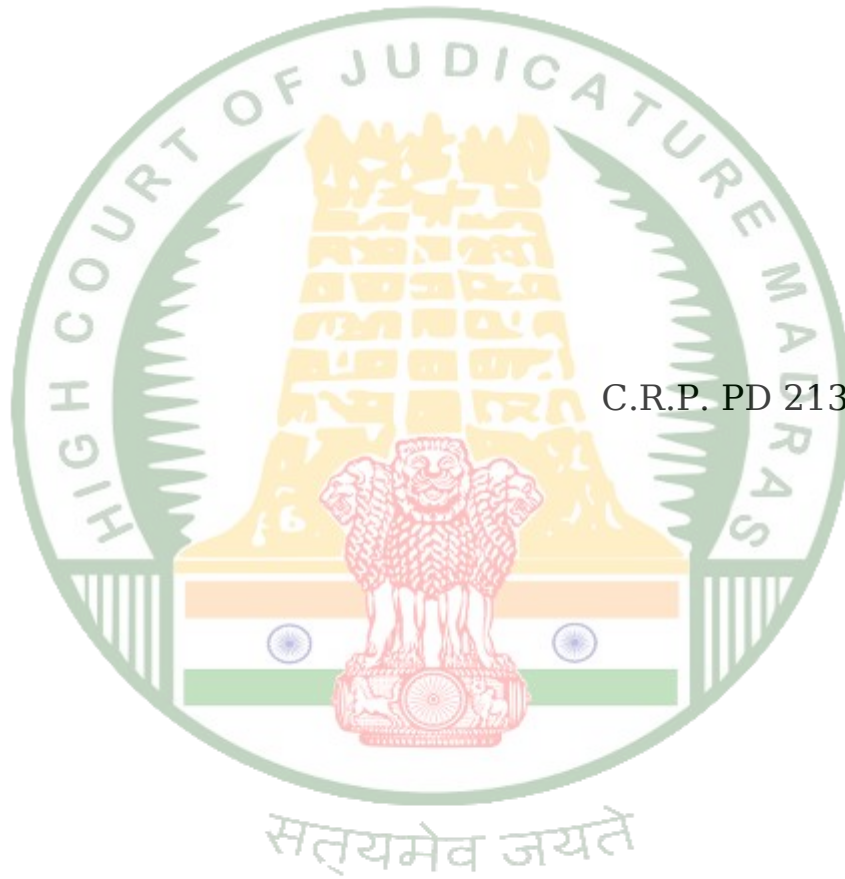
Addl. District and Sessions Judge,
Fast Track Court,
Namakkal.



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V.BHARATHIDASAN,J.

rpp



C.R.P. PD 2132 of 2019

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