



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (MD)No.1059 of 2020

WEB COPY

P.Chellakamu

... Petitioners/Plaintiff

Vs.

1.M/s.Arulmigu Gowmariamman Kovil,
Devasthanam Represented by its
Executive Officer,
Veerapandi.

2.Joint Commissioner,
Office of Joint Commissioner,
HR & CE,
Ellis Nagar, B1, Scheme Road,
Madurai.

...Respondents/Defendants

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the docket order dated 30.11.2020 in unnumbered plaint in an original suit, in Filing No.219/2020 and CNR No.TNTH040001242020 on the file of District Munsif, Theni.

For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mr.A.K.Baskara Pandian for R1
Mrs.Lakshmi Prasanna for R2

O R D E R

It is a suit that is laid by the revision petitioner/plaintiff in an unnumbered Suit in CNR No.TNTH040001242020, where he seeks that the defendants be prohibited from disturbing his possession.

2.The plaint was returned by the trial Court twice and on the last occasion, it doubted the maintainability of the suit but, did not quote what is the provision under which it has entertained the doubt to return the plaint.

3.Making a broad statement without indicating under what provision of statute that the suit is not maintainable, the Court should not return the plaint. Secondly, it is imperative that in every case in which the Court has serious doubts as to the maintainability of the suit and on that ground it intends to return the plaint, the Court shall hear the party or his/her counsel in the open Court, and give them a fair opportunity of hearing before returning the plaint. The returned plaint does not indicate any such opportunity as being



given and therefore, it is only appropriate that this Court interferes with the order of the learned trial Judge to return the plaint.

4.The learned District Munsif, Theni is now required to give a posting to the revision petitioner/plaintiff in the suit in the open Court to enable him to explain the doubts that the Court carry.

5.The Civil Revision Petition is accordingly allowed and the Registry is required to return the original plaint to the revision petitioner to enable him to represent the same before the trial Court on or before 08.01.2021. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Tsg-2

To

1.The District Munsif Court, Theni.

2.The Section Officer, E.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.GP (SR-26218[F] dated 18/12/2020)

+1 CC to M/s.A.K.BASKARAPANDIAN, Advocate (SR-26554[F] dated 21/12/2020)

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sj(CO)

TR(21.12.2020) 2P 5C