



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

CRP (MD) NO.1107 OF 2020

Solai Thendral Recreation Club,
through its Present Secretary,
Kulothungan

.. Revision Petitioner / plaintiff

Vs.

N. Karthick Raja

.. Respondent / defendant

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned District Munsif, Vadipatti, Madurai District to number the un-numbered O.S.No. ...of 2020 on his file within the time stipulated by this Court.

For Petitioner

... Mr. C. Jeganathan

O R D E R

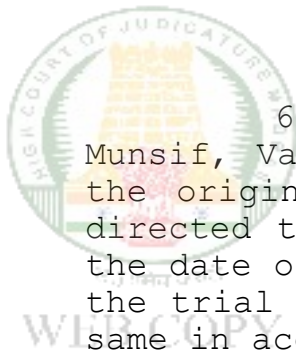
This Civil Revision Petition has been filed for issuing a direction to the learned District Munsif, Vadipatti, Madurai District, to number the un-numbered O.S.No. Nil of 2020, pending on his file, within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner.

3. The revision petitioner / plaintiff filed a suit for mandatory injunction directing the defendant to execute a Registered lease agreement and also the consequential prayer of permanent injunction. The trial Court returned the plaint after delving into the merits of the case.

4. It is well settled that disposing of the suit on merits can be only after trial as long as the plaint filed before the trial Court conforms to the requirements of Order 7 Rule 1-4 CPC, the trial Court has to accept the same and number the suit and proceed further whereas, the learned District Munsif has gone into the factual and legal issues involved in the suit and returned the plaint, which is un-sustainable in law.

5. In the facts and circumstances of the case, the Judgment of this Court in the case of ***M.Chinnaiyah Vs. Naina Mohammed and another*** reported in ***2012 (5) LW 250*** was categorically found that the suit cannot be returned on merits at the threshold. It should be subject to trial and there is a chance of proving the case during the evidence.



6. Therefore, the order passed by the learned District Munsif, Vadipatti is set aside. The Registry is directed to return the original plaint to the petitioner. The revision petitioner is directed to represent the plaint within a period of two weeks from the date of receipt of a copy of this order. On such representation, the trial Court is directed to number the suit and proceed with the same in accordance with law.

7. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Munsif, Vadipatti,
Madurai District.

Copy to

The Section Officer,ER(Civil),
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr. C.Jeganathan,Advocate(SR.No.26995) dated 23/12/2020.

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KB(27.01.2021) 2P 4C