

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

C.R.P.(PD)No.541 of 2021

Rajammal @ Rajamani

...Petitioner

Vs

1.Krishnan

S/o.Thangavel @ Ayyakannu

2.Vengatesan @ Thambi Vegatachalam

3.Sivachandran

4.Ramasamy

5.Sivakumar

6.Sivagami

7.Lakshmi

8.The Thasildar,
O/o.Thasildar,
Uthangarai Taluk,
Krishnagiri District.

9.The Sub Registrar,
O/o.The Sub Registrar,
Uthangarai Taluk,
Krishnagiri District.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Sub Court, Uthangarai to number the suit papers in O.S.(SR).No.2332 of 2020 filed on 30.07.2020 on its file and proceed in accordance with law.

For Petitioner : Mr.T.Arockia Dass

ORDER

The Civil Revision Petition has been filed by the petitioner, seeking relief to direct the Sub Court, Uthangarai, to number the suit papers in O.S.SR.No.2332 of 2020 filed on 30.07.2020 on its file and proceed in accordance with law.

2. The petitioner herein is the plaintiff, who has filed a suit against the respondents/defendants, for partition of the suit scheduled property in O.S.SR.No.2332 of 2020 on the file of the Sub Court, Uthangarai and also for declaration of certain documents as null and void, which are created by the defendants 1 to 3 and in favour of the defendants 4 to 6 behind the back of the petitioner, in which the petitioner is not a party.

3. It is the main contention of the petitioner that the Registry of the trial Court had raised objections and returned the suit papers on

03.08.2020, which were represented by her on 13.08.2020. However, on 14.08.2020, the suit papers were returned by the Registry and the same were represented on 11.01.2021. Again, on 19.01.2021, the trial Court returned the suit papers, citing the reason that the learned counsel for the petitioner/plaintiff was absent.

4. The learned counsel for the petitioner submitted that the Registry of the trial Court cannot return the case file in a piece-meal manner, when the objections raised by the Registry are explained properly on earlier occasions. Further, he submitted that without numbering the suit, returning the file with different objections again and again, is unacceptable.

5. This Court perused the documents available on record. The petitioner herein has filed this Revision, praying to direct the trial Court to number the suit papers pending in O.S.SR.No.2332 of 2020. The trial Court, after perusing the documents, the learned judge had called the suit in open Court. Since there was no representation on behalf of the petitioner, the same was returned. The petitioner has got a remedy to

approach the Court below by assigning the matter before the Court below on maintainability. Without exhausting the same the petitioner has directly approached this Court, which is not applicable and it is the duty of the learned counsel for the petitioner to rectify the mistakes and return and if the Court below is convinced the same will be numbered. Hence, this Court is not inclined to interfere with the impugned order passed by the Sub Court, Uthangarai.

6. Accordingly, the Civil Revision Petition Stands dismissed. No Costs.

15.03.2021

Index:Yes/No
Speaking order/Non Speaking order
sbn

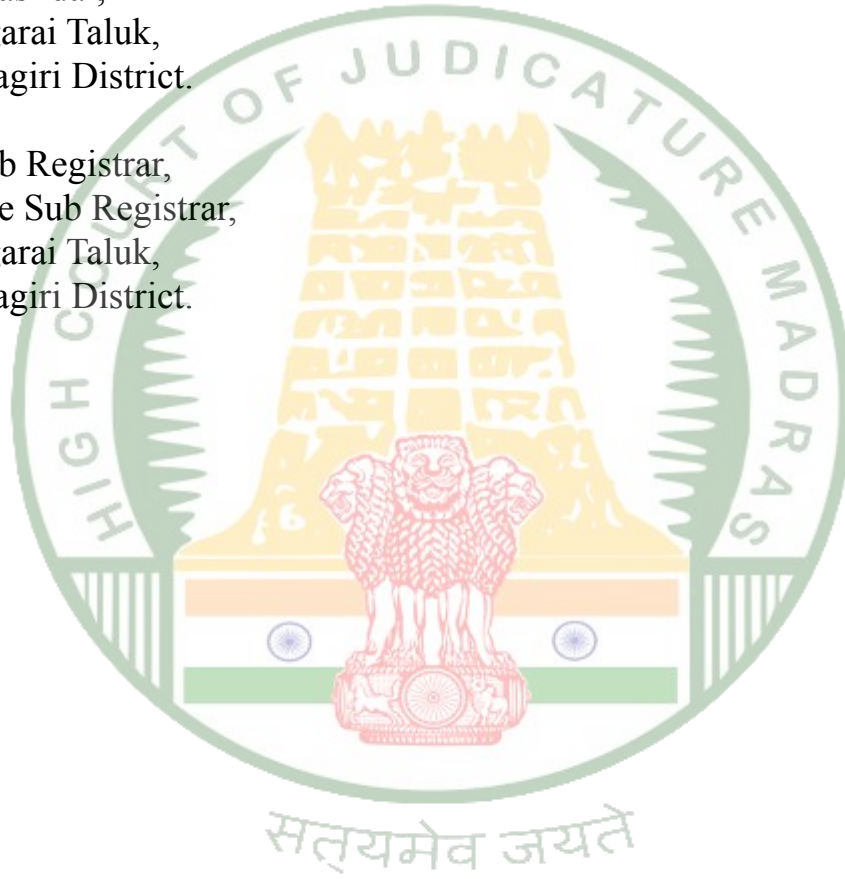
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To

1.The Sub Court,
Uthangarai

2.The Thasildar,
O/o.Thasildar,
Uthangarai Taluk,
Krishnagiri District.

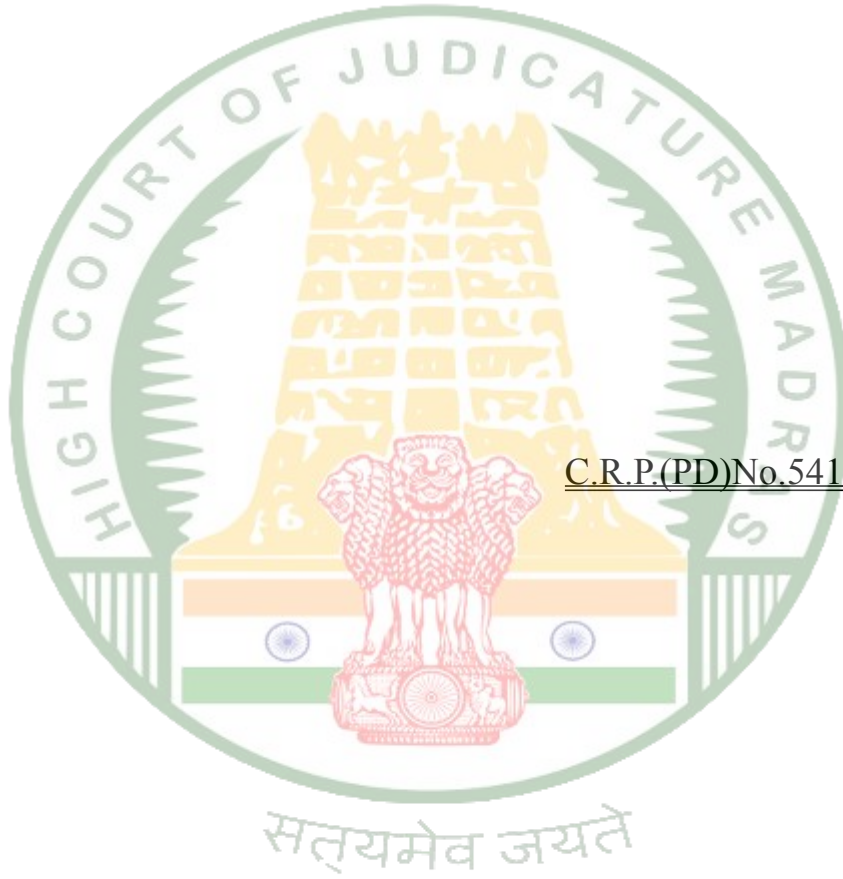
3.The Sub Registrar,
O/o.The Sub Registrar,
Uthangarai Taluk,
Krishnagiri District.



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V.BHAVANI SUBBAROYAN, J.

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