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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRP(PD)No.1404 of 2021

[Through Video Conferencing]

Masilamani

...Petitioner/Plaintiff

vs.

1.Santhi

2.Jeyanthi

3.Neela

4.Sundaram

...Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to issue necessary directions to the Principal Subordinate Court, Ponneri to number the suit filed by the petitioner in O.S.Sr.No.1138 of 2021.

For Petitioner : Mr.A.Prabhakaran

For Respondents : No appearance

ORDER

The revision petitioner is the plaintiff in unnumbered O.S.Sr.No.1138 of 2021 which plaint had been presented before the Principal Sub Court at Ponneri. Unfortunately, the Principal Sub Judge has still not recognized the revision petitioner as a plaintiff and he does not want the said litigant even to present a plaint before the Court.

2.After examining the plaint and raising various objections regarding its format the Principal Sub Judge had given an advice to the revision petitioner herein indicating that it would be better if he had approaches the Revenue Authorities to redress his grievances in manner known to law.

3.If the matter was with respect to pre-litigation mediation, that might be appreciable but not when the litigant approaches a Court of Law and files a suit seeking declaration of title. It has been complained by Mr.A.Prabhakaran, learned counsel for the revision petitioner that the plaintiff had purchased the property in the year 1971 and had also obtained a



lawful patta in his name.

4. There are four defendants shown in the plaint. All of them are sons/daughters of Late. Masilamani, which incidentally is also the name of the plaintiff. Taking advantage of that similarity, it is complained by the learned counsel that the defendants have claimed a right of title and also obtained patta. This has necessitated the plaintiff to institute the suit.

5. The learned Sub Judge may examine whether the suit had been properly valued, whether necessary Court Fee had been paid, whether the suit had been instituted before the Court of Competent Jurisdiction, whether the suit had been filed within the period of limitation and whether the suit is not barred by any special Law and thereafter, after examining any other aspect as is necessary may take appropriate decision.

6. The learned Principal Sub Judge may therefore take a decision either to number the suit or to pass a Judicial Order rejecting the same. Returning the plaint for compliance again and again and finally giving an advice to the plaintiff that he would be a better served by approaching the Revenue Authorities cannot be appreciated.

7. Therefore the Civil Revision is allowed with a direction to the plaintiff to once again represent the plaint and with a further direction that the learned Principal Sub Judge, Ponneri may examine all necessary aspects stated above and thereafter take a decision either to number the plaint or to pass a Judicial Order with respect to that aspect.

8. The registry may return the original plaint in O.S. No. 1138 of 2021 filed along with the revision petition on a memo filed by the learned counsel for the revision petitioner and on substitution of a xerox copy of the same for the purpose of record. The said exercise may be completed within a period of ten working days from the date of filing such memo.

9. With the above observation, the Civil Revision Petition is allowed. No order as to costs.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

Ssi



To

1. The Principal Subordinate Court,
Ponneri.

WEB COPY
Copy To

The Section Officer,
VR Section,
High Court, Madras-104

+1cc to Mr.A.Prabhakaran, Advocate, S.R.No.35174

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SRA (CO)
CT/17/08/2021