

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P. (NPD) No.1092 of 2021

K.Harinath

... Petitioner/Plaintiff

Vs

R.D.Ganesan

... Respondent/Defendant

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Principal District Judge, Krishnagiri, to number the suit and receive on its file by issuing appropriate direction.

For Petitioner

Ms.S.Umamaheswari

For Respondent

..

No appearance

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ORDER

The grievance expressed by Ms.S.Umamaheswari, learned counsel for the petitioner, is that a plaint which had been filed before the Principal District Court, Krishnagiri, had not yet been numbered with the returns being made by the Registry and signed by the Principal District Judge, Krishnagiri. It had been stated by the learned counsel that necessary explanations had been given by the learned counsel and there is an onus on the Court to take the plaint on file, since the returns had been made practically on the same issues, and explanations have also been given by the learned counsel.

2.A direction is given, that the learned counsel may, if he thinks it appropriate, seek the matter to be posted before the open Court for maintainability and argue the case on all the returns in the open Court and impress upon the learned Judge that the suit is actually maintainable. Thereafter, let the learned Judge pass a judicial order either accepting the contentions or rejecting the contentions. As on date, there is no effective judicial order passed in the unnumbered plaint.

3. With the said observations, the Civil Revision Petition is disposed of. No costs.

4. The learned counsel may re-present the original plaint within a period of one month from the date of return of the original plaint by this Registry.

5. I find from the records that the original plaint had been filed along with the present Revision Petition. The same may be returned to the learned counsel on proper identification and acknowledgment. The learned counsel may substitute a xerox copy of the said plaint for future reference.

Internet: Yes/No

Index: Yes/No

smv

सत्यमेव जयते

16.06.2021

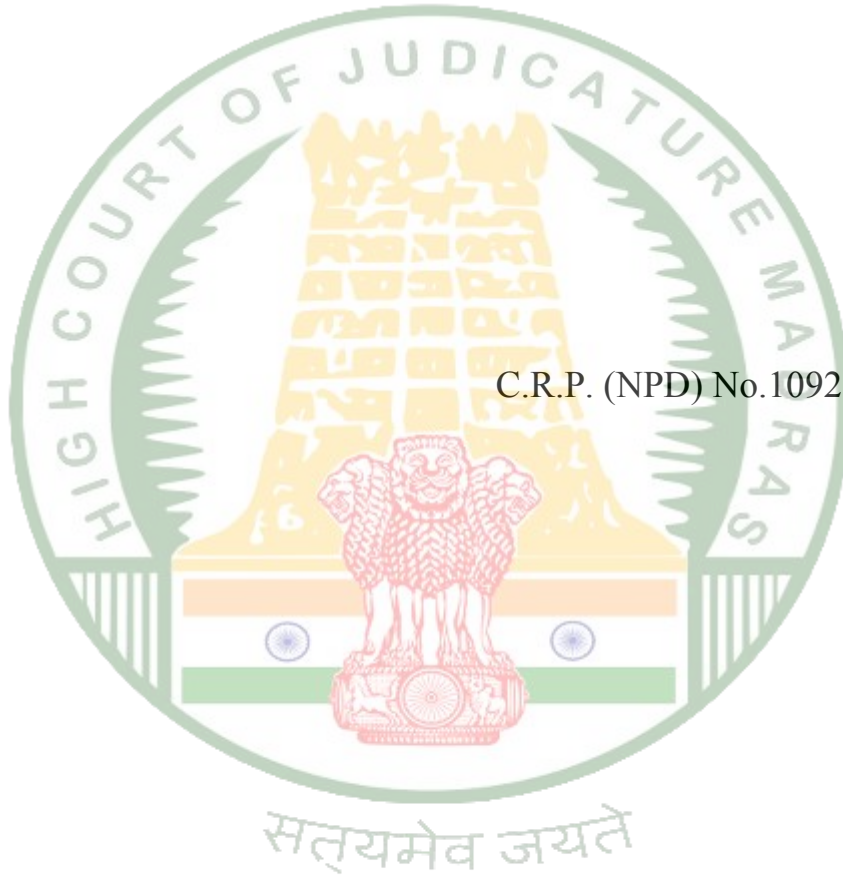
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To

The Principal District Court, Krishnagiri.

C.V.KARTHIKEYAN,J.

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