

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRP(PD)No.1344 of 2021

[Through Video Conferencing]

1.Rathinam
2.T.Vanithamani
3.Deepalakshmi

... Plaintiffs / Petitioners

vs.

1.Muthusamy
2.Saraswathi
3.Maragathamani

... Defendants / Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to allow the above Civil Revision Petition and direct to number the C.F.R.No.4219 of 2020 on the file of the Principal Sub Court, Coimbatore.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : No appearance

ORDER

The revision petition has been filed questioning a series of returns made in O.S.CFR.No.4219 of 2020 by the learned Principal Sub Judge at Coimbatore.

2.The revision petitioners are the plaintiffs in the said suit which unfortunately has not crossed the threshold of the registry in getting numbered.

There was an issue with respect to the reliefs sought for and the valuation of the Court Fees to be paid there under. The plaintiffs have expressed their difficulty that since there was no specific provisions under the Tamil Nadu Court Fees and Suits Valuation Act, the plaintiffs took it up on themselves to value the said relief for cancellation of a particular document and if the defendants do not come forward to rectify the doubt, then the Court should rectify that particular document and valued such relief under Section 50 of the Tamil Nadu Court Fees and Suits Valuation Act and paid Court Fees accordingly.

3.The learned Principal Sub Judge, Coimbatore appears to have returned the plaint on this particular issue. Once the plaint had been returned having no other option, the plaintiff had approached this Court .

4.Let me not enter into a discussion on any of the aspects raised but these are issues which have to be answered by the learned Principal Sub Judge, Coimbatore. If there are doubts, either the learned counsel may call upon the Court to post the matter for maintainability or the learned Principal Sub Judge himself may request the counsel to appear in open Court and argue the matter on maintainability.

5. Either one of the two procedures may be adopted. But returning the plaint and getting it back from the counsel and returning it back again with the plaint moving to and fro like a pendulum would not be of any assistance either to the Court or to the parties or to the advocates. All three would be left in lurch as to what is to be done with the particular relief sought. A Judicial Order has to be passed with respect to the same.

6. I would therefore allow the revision petition by giving an opportunity to the learned counsel for the plaintiffs to once again give necessary explanation for the return of the plaint and if the learned Principal Sub Judge is still not satisfied, then the counsel may also make a further endorsement that the matter may be posted for maintainability and the counsel may argue on maintainability in the open Court.

7. The Civil Revision Petition is allowed. The Registry may return back the original plaint to the learned counsel for the revision petitioners on filing a memo and on obtaining an acknowledgment and also obtaining a Xerox copy

C.V.KARTHIKEYAN, J.

of the same for the purpose of records within a period of ten working days from which a memo / requisition is filed by the learned counsel. No order as to costs.

19.07.2021

Index:Yes/No
Internet:Yes/No
ssi

To

1.The Principal Sub Court,
Coimbatore.



CRP(PD)No.1344 of 2021

WEB COPY