



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2021

Coram

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

C.R.P.PD No.1419 of 2021

1.R.Sridevi
2.R.Thanushree

...Petitioners / Plaintiffs

Vs

1.H.Angammal
2.H.Vasanthakumar
3.H.Vijaykumar

...Respondents / Defendants

Civil Revision Petitions filed under Article 227 of the Constitution of India, to direct the learned Principal District Judge of the Nilgiris at Udhagamandalam to number the suit in un-numbered O.S.No.(CFR)No.269 of 2021

For Petitioners .. Mr.L.Mouli

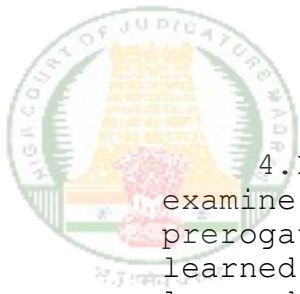
For Respondent .. No appearance

ORDER

This Revision Petition has been filed questioning the continuous returns made in O.S.(CFR).No.269 of 2021 on the file of the District Court, Nilgiris, Udhagamandalam.

2.The revision petitioners are the plaintiffs who are still not acknowledged as plaintiffs by the Court. The suit had been filed and it had been returned. The return had been complied with and but again they had not been complied with to the satisfaction of the Registry. Continuous returns have been made.

3.As a matter of fact, the learned counsel for the revision petitioners also made an endorsement that the suit may be taken up in the open court, so that the doubts raised could be clarified by the counsel and a judicial order may be passed by the learned Principal District Judge, Nilgiris. However, such audience appears to be refused. In spite of such endorsement the plaint was again returned to the counsel seeking compliance of returns.



4.It will be a futile exercise on the part of this Court to examine whether the suit is maintainable or not. That is the prerogative and privilege entirely left to the wisdom of the learned Principal District Judge, Nilgiris. But however, the learned Principal District Judge, should not delegate the work to the Registry rather should take by himself/herself to decide the maintainability of the suit.

5.The Civil Revision Petition is allowed, with a request placed on the counsel for the un-numbered plaint in O.S.(CFR). No.269 of 2021 to make an endorsement in the un-numbered that the suit to be heard in open court with respect to the requirements for its maintainability and advance arguments on maintainability and a further request is placed the learned Principal District Judge, Nilgiris, to pass a judicial order on the same.

6.The Registry may return the original plaint filed along with the Civil Revision Petition to the learned counsel for the revision petitioner on a memo being filed and a copy may be substituted for the purpose of record. The original plaint may be returned within a period of 10 working days from the date of filing of such memo is presented by the learned counsel for the revision petitioners.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smv

To:-

The Principal District Judge,
Nilgiris.

Copy to

The Section Officer,
VR Section,
High Court, Madras.

+1cc to M/s.L.Mouli, Advocate, Sr.35486

C.R.P.No.1419 of 2021

LN[co]
NSK 01/09/2021