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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P. No.1484 of 2021

(Through Video Conference)

T.V.Santhosh Kumar,
rep. by His General Power of Attorney Agent

R.Surendran

...Petitioner/Plaintiff

Versus

The Commissioner,
Hosur City Municipal Corporation,
Hosur,
Krishnagiri District 635 109

...Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order of returning the plaint dated 01.07.2021 made in unnumbered O.S.S.R.No.10756 of 2020 on the file of the Principal District Judge, Krishnagiri.

For Petitioner	:	Mr.C.Prabakaran
For Respondent	:	Dr.Suriya, Government Advocate

O R D E R

This Civil Revision Petition is filed seeking to set aside the order of returning the plaint, dated 01.07.2021 made in unnumbered O.S.S.R.No.10756/2020 on the file of the learned Principal District Judge, Krishnagiri.

2. Learned counsel for the petitioner submitted that he filed the suit for the grant of the following reliefs:

- (a) Directing the defendant to hand over the possession of the suit property to the plaintiff/principal by way of recovery of possession;
- (b) Granting mandatory injunction against the defendant by directing the defendant to remove the constructions in the suit property made by the



defendant and if the defendant failed to do so, to pass an order to remove the unauthorized construction of the defendant through process of law and other reliefs.

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3. It is submitted that the learned Judge ought to have considered the plaint document No.1, which is the parental Sale Deed dated 11.11.1981 and the same was filed along with the presentation of the plaint. The plaint had been returned several times repetitively, inspite of complying with the returns. One important and repetitive return is that the direction given by the Trial Court to file a clean copy of Document No.1. The learned counsel for the petitioner submitted that he has got the registration copy of the Document in question and that was not clean and readable. He further submitted that, now, he has filed the clean copy of the Sale Deed, dated 11.11.1981.

4. It has been time and again instructed to the Courts in the District Judiciary that, the returns have to be consolidated returns and piecemeal returns should be avoided. The concern of the petitioner is that he was directed to file a clean copy of the registration copy of the Sale Deed, dated 11.11.1981, which he could not file earlier. But, he has now filed the typed set with the clean copy of the Sale Deed, dated 11.11.1981. Therefore, the learned counsel for the petitioner is directed to produce the typed version of the Sale Deed, dated 11.11.1981 before the Trial Court and the learned Trial Judge is directed to verify and receive the same. If the plaint is otherwise in order, the learned trial Judge is directed to number it and proceed further with the matter.

5. With the above directions, this Civil Revision Petition stands ordered accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sts
To:

The Principal District Judge,
Krishnagiri.



COPY TO:

The Section Officer,
V.R Section,
High Court, Madras.

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+1 CC to M/s.C.Prabakaran, Advocate, Sr.No. 37792.

+1 CC to The Special Government Pleader, Sr.No. 38582.

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BP (CO)

LS (27/08/2021)