

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.10.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD)No.2319 of 2021
(Through Video Conference)

M. Neelakandan

...Petitioner

Versus

Syed Iqbal Basha

...Respondent

PRAYER: Civil Revision Petition is filed to number the unnumbered original suit filing No.243 of 2021 (CNR No.TNTR200001122021) on the file of the District Munsiff Court, Ponneri, consequently, direct the District Munsif Court, Ponneri to receive the plaint and number the unnumbered original suit and dispose of the same on merits.

For Petitioner : Mr.S.Kalayanaraman for
Mr.R.S.Mangalakumar

ORDER

This Petition is filed for giving direction to the Learned District Munsif Court, Ponneri to number the Suit in filing No.243 of 2021 (CNR No.TNTR200001122021).

2.It is the submission of the Learned Counsel for the Petitioner that the Petitioner filed Suit against the Respondent for the relief of permanent injunction not to interfere with the Petitioner's peaceful possession and enjoyment or evict the Petitioner from the Suit property without following due process of law. The Plaint was returned on 23.09.2021 for the following reasons:

"Returned:

- 1.Original registered rental agreement not produced.*
- 2.All documents are Xerox copies.*
- 3.Legal notice to the defendant not given.*
- 4.Documents relating to the possession not filed.*
- 5.Fresh docket sheet to be mentioned."*

The Petitioner complied with the return made in the plaint and represented. Again the plaint was returned on 30.09.2021 stating that previous directions no.3,4,5 were not complied with. But in fact, the previous directions have been complied with. Therefore, the present Petition.

3.From the returns made above, it is clear that the plaint was returned for the reason for producing original rental agreement, legal notice to the Respondent not given, documents relating to possession also not given. While,

resubmitting the plaint, original rental agreement was enclosed. Legal notice was not sent to the Respondent and it is not mandatory to send the legal notice before filing the Suit. Photographs along with C.D. are produced for showing the possession.

4.The merit of the Suit cannot be decided at the time of numbering the plaint. The case has to be taken on file on the averments made in the plaint and if cause of action is made out, it is for the Court to number the plaint and proceed in accordance with law. In the case before hand, despite the returns were complied with by the Petitioner, unnecessarily returns have been made again on 30.09.2021. Therefore, the Learned District Munsif, Ponneri is directed to take the plaint on file, if the plaint is otherwise in order and proceed further in the manner known to law.

5.Accordingly, this Civil Revision Petition is disposed of . No costs.

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25.10.2021

ay/jai

Index: Yes/ No

Speaking Order / Non-Speaking Order

G.CHANDRASEKHARAN, J.,

ay/jai

To

The District Munsif Court.,
Ponneri.



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