



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.02.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P(MD)No.183 of 2021
and C.M.P.(MD)No.1101 of 2021

1.Muthulakshmi
2.M.Sathakumar

... Petitioners

Vs.

1.A.Pitchaimuthu
2.P.Anbuselvam
3.The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Nilakottai, Dindigul District.

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Munsif, Nilakkottai, to number the Original Suit in unnumbered O.S.Rep.No.198 of 2020 in CNR.TNDGOD0001502020 and take the suit on the file of the District Munsif Court, Nilakottai.

For petitioners : Mr.R.Suresh

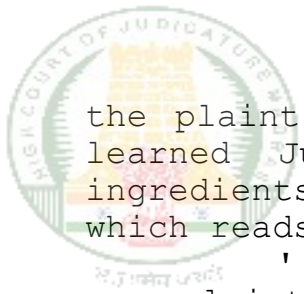
ORDER

This Civil Revision Petition has been filed for a direction to the learned District Munsif, Nilakottai to number the Original Suit in unnumbered O.S.Rep.No.198 of 2020 in CNR.TNDGOD0001502020 and take the suit on the file of the District Munsif Court, Nilakottai.

2.The facts of the case is that the revision petitioners are the plaintiffs and the respondents are defendants in unnumbered O.S.Rep.No.198 of 2020 in CNR.TNDGOD0001502020 on the file of learned District Munsif Court, Nilakottai. The suit is for permanent injunction restraining the defendants 1, 2 and 3 from getting illegal electricity connection for the suit property. In this circumstance, the learned Judge returned the plaint on various grounds. Hence, the present revision petition has been filed.

3.Heard the learned counsel for the petitioners and perused the materials available on record.

4.Perusal of record shows that the learned Judge has returned
<https://hcservices.ecourts.gov.in/hcservices/>



the plaint by stating some reasons. While numbering the suit, the learned Judge has to see whether the plaint satisfies the ingredients set out under Order 7 Rule 1 of the Civil Procedure Code which reads as follows:-

'1.Particulars to be contained in plaint.--- The plaint shall contain the following particulars ---

- (a) the name of the Court in which the suit is brought;
- (b) the name, description and place of residence of the plaintiff;
- (c) the name, description and place of residence of the defendant, so far as they can be ascertained;
- (d) where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect, and in the case of a minor, a statement regarding his age to the best of the knowledge and belief of the person verifying the plaint;
- (e) the facts constituting the cause of action and when it arose;
- (f) the facts showing that the Court has jurisdiction;
- (g) the relief which the plaint claims;
- (h) where the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished; and
- (i) a statement of the value of the subject matter of the suit for the purpose of jurisdiction and of court-fees, so far as the case admits.

Provided that, where owing to the large number of defendants or any other sufficient reason, it is not practicable to ascertain with reasonable accuracy the age of the minor defendant, it may be stated that the age of the minor defendant is not known."

5. If the ingredients under Order 7 Rule 1 of the Civil Procedure Code are satisfied, then the plaint has to be numbered and proceeded in the manner known to law and if the learned Judge finds that any of the ingredients under Order 7 Rule 1 CPC is not complied with, then he can return the plaint, but the plaint cannot be returned questioning the merits of the case. In the present case, the learned Judge has returned the plaint questioning the merits of the case. Therefore, the District Munsif Court, Nilakottai is directed to take the plaint in O.S.Rep.No.198 of 2020 in CNR.TNDGOD0001502020 on file and number the same and proceed with the case in accordance with law. The merits of the case can be dealt with only after numbering the suit.



6.With the above direction, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The District Munsif Court, Nilakottai.

2.The Record Keeper,

E.R. Section, 'Through' the AR(Records)
Madurai Bench of Madras High Court,
Madurai.(2 copies)

(to return the original plaint (unnumberd) in O.S.Rep.No.198 of 2020 in CNR.TNDGOD0001502020 to the counsel for the petitioner after getting attesting copies of same).

+1 CC to Mr.R.SURESH, Advocate (SR-4419[F] dated 11/02/2021)

C.R.P (MD) .No.183 of 2021
11.02.2021

(KUN)

KV(26.02.2021) 3P 5C