



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.547 of 2021

K.Chinraj

... petitioner/plaintiff

Vs.

1.The Director General of Police,
Tamil Nadu Police Department,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004

2.Superintendent of Police,
Superintendent of Police Office,
Surveyour Colongy, Muntru Mavadi,
Madurai - 625 007.

3.T.Devaraj
Sub Inspector of Police,
Melur Traffic Police Station,
Melur Police Station,
Melur, Madurai - 625 106
(Amended vide Court order dated
CMP(MD).No.4850 of 2021 in
CRP(MD).No.547 of 2021)

... Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 05.01.2021 made in un numbered O.S.SR.No.1912 of 2020 on the file of District Munsif Court, Kovilpatti.

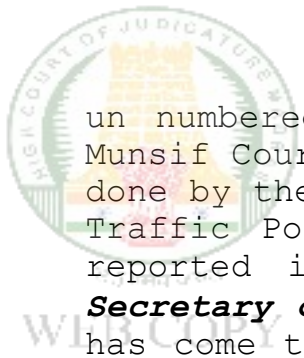
For Petitioner	: Mr. K.Chinraj (party in person)
For respondents 1&2	: Mr. A. Baskar Government Advocate (Crl. Side)
For 3 rd respondent	: Mr. A. Mohan

ORDER

This Civil Revision Petition has been filed to set aside the rejection order, dated 05.01.2021 passed by the District Munsif Court, Kovilpatti, in un numbered O.S.SR.No.1912 of 2020.

2.Heard the learned counsel appearing for the petitioner and the respondents.

3.The revision petitioner / plaintiff has filed a suit in
<https://hcservices.ecourts.gov.in/hcservices/>



un numbered O.S.SR.No.1912 of 2020, on the file of the District Munsif Court, Kovilpatti seeking compensation for the alleged wrong done by the third defendant i.e., the Sub Inspector of Police, Melur Traffic Police Station, Melur. As per Judgment of this Court reported in **1927 (53) MLJ 553 (C. Govindarajulu Naidu Vs. The Secretary of State India)**, the learned District Munsif, Kovilapatti has come to the conclusion that the suit for tort lie only at the place where the tort committed. Since the tort committed at Melur and fine was also imposed by the third defendant, the plaintiff has to prove that at the time of occurrence, he did not drive any vehicle and that he is entitled to get compensation for the wrong done by the third respondent. Further, he has to prove his contention only at the time of trial.

4. Basically, when the compensation for a tort claimed by the plaintiff, he has to file the suit where the cause of action arose and hence, the learned District Munsif, Kovilpatti rejected the plaint. The learned District Munsif, Kovilpatti has no right to reject the plaint, however, he has to return the plaint for the production of plaint before the proper Court.---

5. So, on this aspect, the order passed by the learned District Munsif, Kovilpatti, dated 05.01.2021 in O.S.SR.No.1912 of 2020 is modified as follows:

"The learned District Munsif, Kovilpatti is directed to return the plaint to the plaintiff for the presentation of the plaint before the proper Court."

6. With the above modification, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The District Munsif Court, Kovilpatti.

+2 CC to M/s.K.CHINRAJ, Advocate (SR-28981[F] dated 14/09/2021)
+1 CC to M/s.A.MOHAN, Advocate (SR-29158[F] dated 15/09/2021)
+1 CC to M/s.SPL. GP (SR-29344[F] dated 16/09/2021)

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RS (27.09.2021) 2P 6C

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