



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1141 of 2020

P.Subramani

... Petitioner/ Plaintiff

Vs.

1.M.Sadasivam @ Sivasankaran

2.K.Mahalingam

... Respondents / Defendants

PRAYER:- Civil Miscellaneous Petitions filed under Article 227 of the Constitution of India, praying to direct the learned District Judge, Karur to take the plaint in unnumbered O.S.SR.No.10823 of 2018 on its file and to dispose of it on merits.

For petitioner : Mr.V.Balaji

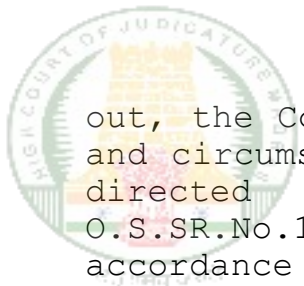
ORDER

This civil revision petition has been filed by the petitioner seeking a direction to the learned District Judge, Karur to take the plaint in unnumbered O.S.SR.No.10823 of 2018 on file and to dispose the same on merits.

2.The facts of the case is that the revision petitioner is the plaintiff and the respondents 1 and 2 are defendants in unnumbered O.S.SR.No.10823 of 2018 on the file of learned District Judge, Karur. The suit is for cancellation of two sale deeds dated 20.04.2012 and for permanent injunction against the respondents/defendants. In this circumstance, the learned Judge returned the plaint on the ground that the suit has to be valued as per amended Tamil Nadu Court Fees and Suit Valuation Act (6/17). Hence, the present revision petition has been filed.

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

4. Perusal of record shows that the learned Judge had returned the plaint on the ground that the petitioner has not valued the suit properly. This Court is of the view that while numbering the plaint, the learned Judge has to see whether cause of action has been made out or not and after numbering the plaint, if any defect is found



out, the Court can always reject the plaint. Considering the facts and circumstances of the case, the learned District Judge, Karur is directed to take the plaint (unnumbered) in O.S.SR.No.10823 of 2018 on file and to proceed with the same in accordance with law.

WEB COPY

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Msa

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 Judge
Karur

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

(To return the original plaint (unnumberd) in OS.SR.No. 10823 of 2018 to the counsel for the petitioner after getting attesting copies of same)

+1 CC to M/s.V.BALAJI, Advocate (SR-380[F] dated 06/01/2021)

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NR (19/01/2020) 2P : 5C