



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1176 of 2020

J.Manikandan

... Petitioner/Plaintiff

Vs.

1.J.Saraswathi
2.J.Rajeshwari
3.J.Devi

... Respondents / Defendants

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the Principal Subordinate Judge, Madurai to number the plaint made in O.S.SR.No.9155 of 2020 and try the same in accordance with law.

For petitioner : Mr.M.Kaliraj

ORDER

This Civil Revision Petition has been filed to direct the Principal Subordinate Judge, Madurai to number the plaint made in O.S.SR.No.9155 of 2020 and try the same in accordance with law.

2.It is seen that the plaint was returned for compliance of certain defects found in the plaint and it was complied by the petitioner/plaintiff. Ever after that, it has also been returned for various other reasons, touching upon the merits of the case.

3.It is well settled that, if a litigant approaches the Court and files the plaint in accordance with Order VII Rule 1 of Civil Procedure Code, then it is the duty of the Court to entertain the plaint and number the same and proceed further. But, without numbering the plaint, it cannot be returned questioning the merits of the case. Therefore, a direction is given to the learned Principal Subordinate Judge, Madurai, to number the plaint, if the requirements of Order VII Rule I of Civil Procedure Code is complied with.

4.With the above direction, this Civil Revision Petition is disposed of. There shall be no order as to costs.

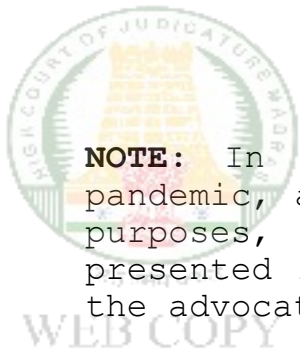
Sd/-

Assistant Registrar (AE)

// 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 Principal Subordinate Judge,
Madurai.

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

(to return the original plaint (unnumberd) in O.S.SR.No.9155 of 2020 to the counsel for the petitioner after getting attesting copies of same)

C.R.P (MD) .No.1176 of 2020
06.01.2021

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