



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) No.1761 of 2021

Neelamegam

.. Petitioner/Petitioner

-vs-

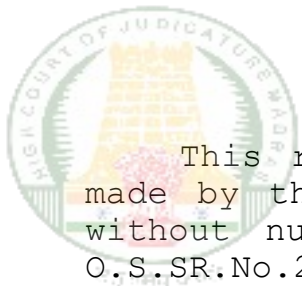
1.Rukmani,
2.Sridharan,
3.Ragupathi,
4.Karunakaran,
5.Shanthimathi,
6.Santhana Krishnan,
7.M.S.Hayath Mohammed,
8.R.Benasir
9.Tamil Arasi
10.A.Ramesh
11.Nirmala Devi
12.Ilaveni
13.M.Rabia Ammal
14.M.Bakkir Oli Ammal
15.S.Gopal
16.S.Nilabu Nisha
17.S.Velarasi
18.R.Govendan
19.Thilagavathi
20.S.Gukarani
21.S.Jayalakshmi
22.K.Rajeswari
23.M.Kesavan
24.M.Lakshmi
25.M.Kalidass
26.M.Muthuralina
27.Ilaiyaraja

.. Respondents/Defendants

Prayer :- Petition filed under Article 227 of the Constitution of India praying to number the suit filed in unnumbered O.S.SR.No.2384 of 2021, on the file of the Principal District and Sessions Court, Ramanathapuram.

For Petitioner

: Mr.K.R.Laxman



ORDER

This revision is filed challenging the frequent returns being made by the Principal District and Sessions Judge, Ramanathapuram without numbering the suit filed by the petitioner/plaintiff in O.S.SR.No.2384 of 2014.

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2.The suit has been filed for a partition and separate possession of the suit scheduled properties in favour of the plaintiff and for an injunction restraining the defendants from alienating or creating any encumbering in respect of the same.

3.The original plaint would indicate that when the suit was filed, the same was returned on 26.07.2021. The matter was re-presented on 29.07.2021, answering all the returns, but on the very same day, the suit was returned stating that the previous directions 1 and 2 holds good. The counsel once again re-presented the plaint after duly complying with the returns on 05.08.2021. Once again, on the very same day, the papers were returned with the endorsement "previous returns dated 26.07.2021 still holds good". Challenging the same, the petitioner/plaintiff is before this Court.

4.It has been time and again stated that the contents of the plaint are to be looked into for numbering a plaint. The Courts are merely exercising a ministerial role while registering the plaint. The Code of Civil Procedure has set out the parameters that have to be considered while scrutinising a plaint and the Courts cannot take it upon themselves to act as the defendant while considering the plaint for registration.

5.In the case of ***Selvaraj and Ors. vs. Koodankulam Nuclear Power Plant India Limited and Ors.*** reported in **2021 (4) CTC 539**, this Court has discussed in a very great detail the role of the Court while numbering a plaint. The learned Judge has tabulated the factors that the Court has to consider at the preregistration stage and the factors that it cannot insist upon. Some of the heads which cannot be insisted upon by the Court while numbering a plaint are sufficiency or adequacy of pleading, proof of the allegations in the plaint, merits of the matter or the correctness of the same description of property with a specific reference to the variance of the boundary description etc. These are but some of the factors that are held to be not permissible while considering a plaint at a preregistration stage.

6.A perusal of the returns in the instant case would clearly indicate the fact that the Principal District and Sessions Judge, Ramanathapuram has raised queries touching upon issues which are on the merits of the case.

7.In the above circumstances, this Civil Revision Petition is allowed. Registry is directed to return the papers to the

<https://hcservices.ecourts.gov.in/hcservices/>



petitioner within a period of one week from today (15.11.2021). Thereafter, The learned District and Sessions Judge, Ramanathapuram is directed to number the suit within a period of two weeks from the date on which the plaint is re-presented. No costs.

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Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Abr

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

The Principal District and Sessions Court,
Ramanathapuram.

+1 CC to M/s.K.R. LAXMAN, Advocate (SR-34673[F] dated 16/11/2021)

C.R.P. (PD) (MD) No.1761 of 2021

Dated: 15.11.2021

NA (CO)

GC/SKN(18.11.2021) 3P 3C