



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	21.12.2020
DELIVERED ON	08 .01.2021

WEB COPY

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No. 2201 of 2016 (PD)

"Annathai Memorial Religious
Charitable & Educational Trust,
by its Managing Trustee &
St. Luke's Nursery and Primary School,
By its Correspondent and Manager,
both rep. by
Mr.D. John Ranjithakumar"

... Petitioner/Plaintiff

vs.

1.The Tahsildar,
Chatram Administration,
Gandhiji Road,
Thanjavur.

2. The District Collector,
Chatram Administration,
Collectorate, Thanjavur.

...Respondents/Defendants

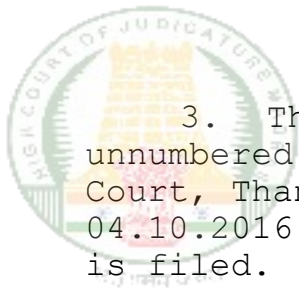
PRAYER: Petition filed under Article 227 of the Constitution of India, against the order of the return, dated 04.10.2016 made in unnumbered O.S. No.----of 2016 on the file of the learned Principal Subordinate Judge, Thanjavur.

For Petitioner : Mr.P. Arun Jayatram
For Respondents : No Appearance

O R D E R

The Civil Revision has been filed against the order of the return, dated 04.10.2016 made in unnumbered O.S. No.----of 2016 on the file of the learned Principal Subordinate Judge, Thanjavur.

2. I heard Mr.P. Arun Jayatram, learned counsel appearing for the revision petitioner and perused the material documents available on record.



3. The revision petitioner herein has filed a suit in unnumbered O.S. No.---of 2016 on the file of the Principal Sub Court, Thanjavur, for recovery of money and the same was returned on 04.10.2016. Against the same, the instant Civil Revision Petition is filed.

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4. It is contended by the learned counsel appearing for the revision petitioner that the Court below misconstrued the relief claimed in the suit and failed to consider that the petitioner herein filed suit for recovery of money. It is further contended that the cause of action has been aroused within the jurisdiction of this Court. It is further contended that the Court below has failed to consider that Section 16 of C.P.C., is not application to the present case, the petitioner herein has not filed suit for recovery of the immovable property and filed suit for recovery of money and paid Court fee under Section 22 of the Tamil Nadu suit valuation and Court Fees Act and the order of the Court below is liable to be set aside by this Court.

5. The revision petitioner/plaintiff had filed a suit for recovery of money towards rental deposit amount, excess payment of rent and amount spent towards renovation. The learned Principal Subordinate Judge, Thanjavur has returned the plaint as the property regarding which the plaintiff paid the rent and now seeking refund of rents situated within the jurisdiction of Kumbakonam. Therefore, returned for presented before the concerned Court. As per averments in plaint, the suit property belonged to defendants and let out to plaintiff for running the school. The prayer sought for by the revision petitioner herein before this Court below is purely a money suit.

6. Section 16 of the Civil Procedure Code is extracted hereunder;

"Section 16 suits to be instituted where subject matter situate,

Subject to the pecuniary or other limitations prescribed by any law, suits-

(a) for the recovery of immovable property with or without rent or profits,

(b) for the partition of immovable property,

(c) for foreclosure, sale or redemption in the case of mortgage of or charge upon immovable property;

(d) for compensation for wrong to immovable property,

(e) for the recovery of immovable property actually under distraint or attachment shall be instituted in the Court within the local limits of whose jurisdiction the property is situate;"

As per Section 16 of the Civil Procedure Code, both defendants are residing in Thanjavur. The suit is not related to public trust



and not relating to immovable property. Therefore, the suit is maintainable before the learned Principal Subordinate Judge, Thanjavur.

7. Finally, the Civil Revision Petition is allowed. The learned Principal Subordinate Judge, Thanjavur is directed to number the suit, if it is otherwise in order. No costs. The Registry is directed to return the original plaint to the learned counsel for the petitioner.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1) The Principal Subordinate Court, Thanjavur.

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

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to SGP (SR-789, 791[F] dated 11/01/2021)

Order made in
C.R.P. (MD)No.2201 of 2016 (PD)

08.01.2021

(CO)

NR (01/02/2021) 3P : 6C