



CRP(PD)No.225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP(PD)No.225 of 2022

G.Gomathi

... Petitioner

Vs

1. Prema

2. Sornalakshmi

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Sub Judge, Pollachi to number the plaint in CFR. No.8303/2021 dated 16.12.2021.

For Petitioner : Mr.N.Manokaran

ORDER

The challenge in this revision is to the order of the trial Court returning the plaint doubting its jurisdiction.

2.Mr.N.Manokaran, learned counsel appearing for the petitioner would contend that even assuming that the 5th item of property is a trust property, the Sub Court will have jurisdiction, being the Principal Court of original jurisdiction. The other returns made by the Judge are only procedural



CRP(PD)No.225 of 2022

in nature. However, being a suit in relation to a trust property that too a public trust, the plaintiff will have to necessarily seek leave under Section 92 and implead all the trustees.

3. Therefore, Mr.N.Manokaran, learned counsel appearing for the petitioner would submit that he would take out necessary application for grant of leave under Section 92 and also implead the trustees. Hence, this revision is disposed of directing the petitioner to re-present the plaint along with an application under Section 92 seeking leave to file the suit in respect of Item No.5 and to implead all the trustees of the said trust. If the plaint is re-presented after complying with the above direction, the learned Sub Judge is directed to number the suit and proceed with in accordance with law. No costs.

03.02.2022

vs

Index: No

Speaking order

Note: Registry is directed to return the original plaint to the learned counsel appearing for the petitioner forthwith.



CRP(PD)No.225 of 2022

To:

WEB COPY

- 1.The Sub Judge,
Pollachi.
- 2.The Section Officer,
VR Section,
Madras High Court, Chennai.



WEB COPY



CRP(PD)No.225 of 2022

R.SUBRAMANIAN, J.

VS

CRP(PD)No.225 of 2022

03.02.2022