



C.R.P.(PD) No.556 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) No.556 of 2022

A.Deivasigamani

... Petitioner / Plaintiff

Vs.

M.Appusamy

... Respondent / Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to issue suitable directions directing the learned Principal District Judge, Erode to number the plaint in C.F.R.No.11034 of 2021 on the file of the Principal District Court, Erode and allow the civil revision petition, and pass such further or other orders as this Court may deem fit proper in the circumstances of the case.

For Petitioner : Ms.J.Prithvi

ORDER

The grievance in this case is that the plaint has been returned by the Principal District Court, Erode, either ignoring or neglecting the principles



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laid down by this Court in ***Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited*** [2021 (4) CTC 539].

2. In this regard, this Court has sent for the report of the learned Principal District Judge, Erode, who vide his communication in A.No.136/2022 dated 14.03.2022, has reported that the staff and officers concerned in the Registry of the Principal District Court, Erode are strictly following the guidelines laid down in ***Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited*** [2021 (4) CTC 539], and have sensitized themselves in avoiding multiple returns of the plaint that were presented before the Court.

3. Notwithstanding the fact that the learned District Judge has made a lofty statement in his report in A.No.136/2022 dated 14.03.2022, his Registry has not followed the dictum in ***Selvaraj case***. And this Court is informed by few members of the Bar that it is repeatedly happening in the Court of the Principal District Judge, Erode.

4. This Court take a strong view about the statement made by the Bar. If only the statement made in the report of the Principal District Judge, Erode,



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were to be true, then this plaint should not have been returned without application of mind.

5. The learned Principal District Judge is now required to apply his mind to the dictum in ***Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited***, in curing the permissible defects in the plaint, and that he had followed the dictum of ***Selvaraj case*** in the case on hand and accordingly dealt with the plaint in C.F.R.No.11034 of 2021, and he may report to the Court the action taken on it.

6. The revision is disposed of accordingly. No costs. The Registry is required to return the original plaint to the plaintiff.

17.03.2022

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

ds

To:

The Principal District Judge
Erode.



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N.SESHASAYEE.J.,

ds

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