



C.R.P.No.3574 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3574 of 2022

Ambiga

... Petitioner

Vs.

1.Manimegalai
2.Santhamoorthi
3.Prema

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned District Judge, Dharmapuri, to entertain, and take the plaint in unnumbered O.S.Diary.No.4372 of 2022 on its' file and number the suit, and proceed in accordance with law.

For Petitioner : M/s.R.Prabakar

For Respondents : No Appearance

ORDER

The petitioner herein aggrieved by the order of return dated 27.09.2022 has come by way of this revision.



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2. The petitioner herein filed a suit for declaration of title and consequential relief of recovery of possession against the respondent. The petitioner herein sought for a declaration that the sale deed dated 22.12.2003 executed by the 2nd respondent in favour of the 1st respondent was not valid. He also prayed for another declaration that sale deed 03.03.2022 executed in favour of the 1st defendant in favour of the 3rd defendant was not valid.

3. The plaint was originally filed before the Sub Court, Harur and the same was returned by the Sub Court, Harur on 01.07.2022 raising the question of jurisdiction. Thereafter, the petitioner represented the returned plaint before the District Court, Dharmapuri, on 20.07.2022. The plaint has been returned by the District Court, Dharmapuri from time to time, raising various points including question of limitation. The last return was dated 27.09.2022 wherein the Court below raised an objection with regard to the 2nd prayer in the plaint wherein the petitioner sought for a declaration that the sale deed dated 22.12.2003 executed by 2nd defendant in favour of the 1st defendant was not valid. In the return, the Court below mentioned that the petitioner acquired knowledge about the sale deed in document in the year 2014 and hence the suit was barred by limitation. When the



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plaint is returned by the Court raising certain objections, it is for the petitioner to represent the same offering his explanation. If the Court is satisfied with the explanation, it has to number the plaint and get along with the case in accordance of law. If the Court is not satisfied with the explanation offered by the petitioner/plaintiff, it is expected to call the matter in the open Court and afford an opportunity to the petitioner to put forth his case.

4. Therefore, this Court is inclined to direct the petitioner to represent the plaint offering his explanation in the return dated 27.09.2022. In case the Court is satisfied with the explanation offered by petitioner, it is open to the Court to number the plaint and proceed with the suit in accordance with law. In case the Court is not satisfied with the explanation offered by the petitioner, it is directed to call the matter in open Court and afford an opportunity to the petitioner to put forth his case. With these observations, this Civil Revision Petition is disposed of. No costs.

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Index: Yes/ No
Speaking Order / Non-Speaking Order
jai



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S.SOUNTHAR, J.

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Note: Registry is directed to return the original plaint filed by the petition in O.S.Diary.No.4372 of 2022 on the file of the Principal District Judge, Dharmapuri filed by the petitioner in the typed set of papers to the counsel for the petitioner.

To

The District Judge,
Dharmapuri.

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