



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.02.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P. (MD) .No.269 of 2022

A.Murugan

... Revision Petitioner/Plaintiff

Vs.

1.A.Gandhi

2.M.Shanthi

3.Tamilnadu State Transport Corporation,
Rep. by its Branch Manager,
Bypass Road,
Madurai North Rural Branch,
Madurai District.

... Respondents/Defendants

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Docket order dated 14.07.2021 passed in unnumbered O.S.No. Nil of 2020 on the file of the Principal District Judge, Theni and further direct the Principal District Judge, Theni to number the Civil Suit.

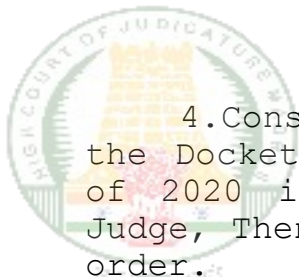
For Petitioner : Mr.T.Lajapathi Roy

O R D E R

This Civil Revision Petition has been filed to set aside the Docket order dated 14.07.2021 passed in unnumbered O.S.No. Nil of 2020 on the file of the learned Principal District Judge, Theni and further direct the learned Principal District Judge, Theni to number the Civil Suit.

2.The suit in O.S.No.....of 2020 was filed by the revision petitioner for recovery of money on the basis of loan agreement, dated 24.04.2019, which was returned on the ground that the loan agreement was not duly stamped under Article - 49 of Schedule 1 of Indian Stamp Act.

3.Perused the returned order. The trial Court returned the plaintiff frequently with various reasons. Since the suit was filed on the basis of loan agreement, it cannot be considered as promissory note.



4.Considering the above facts and circumstances of the case, the Docket order, dated 14.07.2021 passed in unnumbered O.S.No.Nil of 2020 is hereby set aside and the learned Principal District Judge, Theni, is directed to number the plaint if it is otherwise in order.

5.With the above observation, the Civil Revision Petition is allowed. No costs.

Sd/-

Deputy Registrar (Accounts)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

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 Judge,
Theni.

Copy to

The Section Officer,
E.R.Section ,
Madurai Bench of Madras High Court,
Madurai.

(To return the original papers in O.S.No.Nil of 2020 to the petitioner to be produced before the concerned Court after substituting the same with xerox copy.)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-7165[F] dated 18/02/2022)

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16.02.2022

RK(15/03/2022) 2P 4C