



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (PD) (MD) .No. 915 of 2022

WEB COPY

1.M.Krishnan

2.K.Velmurugan

3.K.Tamilselvi

4.K.Karthigairani

5.K.Megala

... Petitioners/ Plaintiffs

Vs

1.Sevathaiya

2.Muthu

3.Balakrishnan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to direct the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District to number the Civil Suit filed by the petitioners / plaintiffs under Order VII Rule 1 of CPC in Unnumbered O.S. SR. No. 36 of 2020 seeking for a declaration and grant of mandatory injunction.

For Petitioners : Mr.B.Jameel Arasu

ORDER

This Civil Revision Petition has been filed by the revision petitioners to direct the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District to number the Civil Suit filed by the petitioners / plaintiffs under Order VII Rule 1 of CPC in Unnumbered O.S. SR. No. 36 of 2020 seeking for declaration and for grant of mandatory injunction.

2.Heard the learned counsel appearing for the petitioners and perused the materials available on record.

3.On 02.11.2020, the plaint in O.S.SR.No.36 of 2020, was returned by the trial Court with five endorsements, but the petitioners without properly explaining the facts that the



properties involved in the previous suit and the present suit are different, represented the plaintiff. The same was again returned on 18.11.2020, pointing out that the defects 1 & 2 are not complied with.

4. Since the prayer sought for in the plaint is for declaration of pathway, for valuation of suit, Section 25(d) of Tamil Nadu Court Fees and Suits Valuation Act, 1965 can be invoked. The petitioner has to represent the returned plaint dated 02.11.2020, after complying with the defects pointed out by the Court below and if the trial Court is satisfied with the said representation submitted by the petitioner, number the plaint, if it is otherwise in order.

5. With these directions, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

PNM

To

1. The District Munsif cum Judicial Magistrate,
Natham, Dindigul District.

Copy to:

1. The Section Officer, E.R. Section,
Madurai Bench of Madras High Court,
Madurai. (**to return the original plaint
to the petitioner, after retaining the copy.**)

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_RD(04.05.2022) 2P 3C