



C.R.P (MD) No.1088 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

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P.Petchimuthu ... Petitioner
Vs

1.S.Ayyakkutti

Cehallammal (died)

2.The Sub Registrar,
The Sub Registrar Office,
Alwar Thirunagari,
Thoothukudi District.

3.The District Sub Registrar,
The District Sub-Registrar Office,
Thoothukudi District.

4.The District Collector,
The District Collector Office,
Korampallam, Thoothukudi District.

5.Marimuthu ... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 12.11.2021 in O.S.SR.No.2710 of 2021 and number the plaint on the file of the District Munsif Court, Srivaikundam by allowing this Civil Revision Petition.

For Petitioner : Mr.R.I.Dhilipan Pandian



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ORDER

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The petitioner is aggrieved over the order of rejection of the plaint, dated 12.11.2021 filed by the petitioner.

2.The petitioner filed a suit for mandatory injunction with regard to the suit schedule property as against the respondent / defendant, not to alienate the suit property. The suit was returned by the trial Court on 21.09.2021 as follows:

"i.Without any title document the revenue records, the plaintiff claim is how maintainable, clarify.

ii.Old patta in the name of Sudalaimuthu or any other revenue records to be produced. Time one month."

3.It was re-presented by the petitioner on 28.10.2021. However, it was returned again on 02.11.2021 for the following endorsement.

"1.The main relief of partition is not claim here, the co-respective relief of base injunction, how is maintainable.



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2.The document filed stands in the name of 1st defendant document to be filed in the name of the plaintiff grandmother Sudalaimuthu to be filed.

Hence Return. Time one month.”

4.However the petitioner re-presented the plaint without producing the document as required by the Court but with a reply that the petitioner is ready to file it during the trial. Therefore the trial Court after hearing the plaintiff/ petitioner rejected the suit for non-disclosure of cause of action.

5.It is seen that despite sufficient opportunity being provided to the petitioner/plaintiff to rectify the defects and to produce necessary documents, the petitioner has not complied with the direction of the Court. Even before this Court the petitioner has not produced any such document as required by the trial Court.

6.In the light of the above, this Court is not inclined to entertain this civil revision petition. Accordingly, this Civil Revision Petition stands dismissed. However, the



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petitioner is at liberty to file a fresh suit with necessary documents. No costs. Consequently, connected miscellaneous petition also stands dismissed.

28.06.2022

dsk

To

The District Munsif Court,
Srivaikundam



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B.PUGALENDHI , J.

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