



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) No.1017 of 2021

Seetha ...Petitioner/Plaintiff

Vs.

Rajanbabu ...Respondent/Defendant

PRAYER: Civil Revision Petition under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the learned Principal District Judge, Virudhunagar District at Srivilliputtur in unnumbered O.S.No.--- of 2021 (S.R.No.813 of 2021) on 26.04.2021 and allow this Civil Revision Petition.

For Petitioner :Mr.M.Jothi Basu

For Respondent :No appearance

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 26.04.2021 in unnumbered O.S.No.--- of 2021 (S.R.No.813 of 2021) passed by the learned Principal District Judge, Virudhunagar District at Srivilliputtur.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The plaintiff has filed a suit in O.S.No.--- of 2021 (S.R.No.813 of 2021) for recovery of money on mortgage deed. Since the mortgage deed was not registered, the learned Principal District Judge, Virudhunagar District at Srivilliputtur, has rejected the plaint on the basis of non-registration of compulsory registered document cannot be looked into.

4.The relevant paragraph of the Judgment reported in 2021 (4) CTC 539, Selvaraj and Ors., Vs. Koodankulam Nuclear Power Plant India Limited, represented through its Project Director, is extracted hereunder:

...

"Facts : In this batch of cases, Plaints were presented before the Registry the Original Side of the District



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Judiciary. The Registry while scrutinizing it for evaluating its merit for registration raised several objections which are relevant only for final adjudication and not for registering/numbering the Complaint. Grievance in some of the matters were also that the Registry/Courts repeatedly returned for curing defects with objections being raised in installments. Some also complained that Complaint is not taken up for scrutiny for weeks or months and it is neither taken on file nor returned. Addressing all these issues, the Court issued guidelines to the Registry on the scrutiny of Complaints.

Held: A rule of thumb that distinguishes the Adjudicatory/Judicial act of the Court from its Administrative/Ministerial act is that the former always requires an application of judicial mind where the Court is required to understand the contents of the Complaint on a plane of law, whereas the Administrative/Ministerial act of scrutinizing the Complaint does not require any elaborate distillation of fact-finding. For some of the Judicial pronouncements, which reflect the idea that numbering a Complaint of an Application is only a Ministerial act. "

5. Considering the facts and circumstances of the case, this Court is inclined to allow this Civil Revision Petition. After appearing both parties only, the Court below can decide that whether the suit is maintainable or not.

6. Accordingly, this Civil Revision Petition is allowed. The learned District Judge, Virudhunagar District at Srivilliputtur, is directed to number the suit, if it is otherwise in order. No Costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



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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 District Judge,
Virudhunagar District at Srivilliputtur.

+1 CC to M/s.M.JOTHI BASU, Advocate (SR-5505[F] dated 11/02/2022)

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SMV (CO)
KB (21.03.2022) 3P 3C