



C.R.P.No.663 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.663 of 2015
and M.P.No.1 of 2015

S.Ravichandran

.. Petitioner

VS

Uma Devi

.. Respondent

Petition filed under Article 227 of the Constitution of India to set aside the fair and final order dated 20.06.2014 made in IA No. 390 of 2013 in OS No. 316 of 2012 on the file of Additional District Munsif Court, Alandur.

For Petitioner : Mr.G.Ethirajulu

ORDER

This revision is against the order passed by learned District Munsif Court, Alandur in I.A.No.390 of 2013 in O.S.No.316 of 2012.

2. The said application was filed for rejection of plaint. The ground on which the plaint is sought to be rejected is that the original of the settlement deed executed in favour of the plaintiff has not been produced along with the plaint and, therefore, the suit is barred by virtue of Order VII Rule 14 CPC.



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3. The learned counsel for the petitioner argued that being a dispute between the husband and wife, only the Family Court has jurisdiction to deal with the matter and not the District Munsif Court.

4. Insofar as Order VII Rule 14 CPC is concerned, the plaintiff has to produce the documents on which he / she relies upon at the time of presentation of the plaint. The Code itself gives an exception under Order VII Rule 14 clause (3) wherein the document which ought to have been filed at the time of filing of plaint can always be received in evidence subsequently. This shows that Order VII Rule 14 CPC is not mandatory but it is only a directory.

5. No suit can be barred by virtue of procedural law. The law of procedure is handmaid of justice and, therefore, plaint cannot be rejected merely because the said directory procedure has not been followed. The procedural requirements of Order VII Rule 14 (1) CPC can always be relaxed with leave of the Court. Therefore, I am not agreeable that the plaint is barred by virtue of Order VII Rule 14 CPC.

6. The second point raised by learned counsel for the petitioner is that the suit is barred under Section 7 of the Family



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Court Act. He argues that only the Family Court has the jurisdiction and not the Civil Court. A perusal of the plaint shows that the property is situated outside the city of Madras and, therefore, the Family Court at Chennai do not have the territorial jurisdiction.

7. Learned counsel would further submit when the Family Court, Chengalpet is possessed of the jurisdiction, the suit should have been filed before Family Court, Chengalpet. In 2012, when the plaint was presented there was no Family Court at Chengalpet. The only remedy was before the Civil Court. Subsequent creation of a Family Court at Chengalpaet will not denude the jurisdiction already seized by the Civil Court. I do not find any illegality or perversity in the order passed.

8. For the above reasons, this civil revision petition is dismissed. No costs. Connected miscellaneous petition is closed.

13.07.2023

Index:Yes/No

Neutral Citation:Yes/No

ssm

To

The Additional District Munsif Court, Alandur.



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V. LAKSHMINARAYANAN,J.

ssm

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