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CRP No.1053 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE Dr.JUSTICE **D.NAGARJUN**

CRP No.1053 of 2023

Sarathkumar

... Petitioner

-Vs-

1. Saravanan
2. Punitha
3. The Village Administrative Officer,
Pachal Revenue Village,
Thirupathoor Taluk & District.
4. The Tahsildar,
Thirupathoor Taluk, Thirupathur District.
5. The Sub-Registrar,
Thirupathoor Taluk & District.
6. The District Collector,
Thirupathoor District.

... Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to issue suitable direction to the learned Additional Judge No.III, Thirupathur to take on file, the suit filed in O.S.SR.No.1815 of 2022.

For Petitioner : Mr.R.Selvakumar



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ORDER

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This Civil Revision Petition is filed for a direction to the learned Additional District Judge-III, Thirupathur to take the case on file in O.S.SR.No.1815 of 2022.

2. The petitioner has filed a suit for declaration of title and cancellation of certain documents. Same was returned number of times with the objections like the death certificate of one Vijaya to be filed, legal heir certificate to be filed and date of birth certificate to be filed etc.

3. According to the learned counsel for the petitioner except for those documents, all the requirements to be complied with in respect of registration of suit has already been filed, however, the Trial Court is not inclined to register the case, which is causing hardship to the petitioner. The learned counsel for petitioner has cited an authority in the case of ***Selvaraj and others Vs. Koodankulam Nuclear Power Plant India Ltd and others*** reported in ***2021 (3) MWN (Civil) 73***, wherein Madurai Bench of High Court directed the Trial Court not to insist for filing of documents along with plaint.

3. Considering the facts and circumstances of the case, this Civil



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Revision Petition is disposed of with a direction to the petitioner to resubmit the original plaint within a period of two weeks from the date of receipt of copy of this order and on such re-submission, the learned Additional District Judge No.III, Thirupathur is directed to consider the same as per the directions of this Court in **Selvaraj** case (cited supra) and admit the same if it is otherwise in order. In case, if the Trial Court is of the opinion that the said case cannot be taken on file, the Trial Court is at liberty to pass appropriate orders either to number the case or pass orders rejecting the plaint within a period of two weeks thereafter. There shall be no order as to costs. Registry is directed to return the original bundle on substitution with photo copy of the same.

18.04.2023

kmi

To

1. The III Additional District Court,
Thirupathur.



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Dr.D.NAGARJUN, J.

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