



CRP(PD).No.1910 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 19.10.2023**

**CORAM**

**THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI**

**CRP(PD).No.1910 of 2023**

K.K.Shanmugam

...Petitioner

Vs.

[K.S.Saranya](#)

...Respondent

**PRAYER:** This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the learned Principal Subordinate Judge, Erode, to entertain, and take the plaint in unnumbered [O.S.Filing](#) No.1301 of 2022 and Diary No.2289 of 2022 on its file and number the suit, and proceed in accordance with law by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Prabakar

**ORDER**

This Civil Revision Petition has been filed seeking to direct the learned Principal Subordinate Judge, Erode, to entertain, and take the plaint in unnumbered [O.S.Filing](#) No.1301 of 2022 and Diary No.2289 of 2022 on its file and number the suit, and proceed in accordance with law.



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2. Before the trial Court, the suit is filed between the father and daughter. The petitioner/plaintiff filed the suit for partition against her daughter. The trial Court had returned the plaint stating that some of the documents have not been produced and the Court fee assessment made by the plaintiff is not correct. Thereafter, the same was re-presented by the plaintiff, but it was not accepted by the trial Court.

3. The learned counsel for the revision petitioner submitted that the suit could not be numbered even after one year from the date of filing. He further submitted that when necessary averments have been made, it is to be decided during the course of the trial. Hence, he prayed to allow this petition.

4. Considering the above submission, nearly about one year the case was not taken on file, if at all the Court fee is not properly assessed at any stage of the suit, suit has to be numbered only on the administrative side, if at all any plaint was not assessed with proper Court fee, the same can be decided only at the stage of trial. Hence, the trial Court is directed to number the suit and take the plaint on file within a period of two weeks from the date of receipt of a copy of this order.



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5. In view of the above direction, this Civil Revision Petition is disposed of.

No costs. Registry is directed to return the original plaint to the revision petitioner.

**19.10.2023**

Speaking / Non Speaking order  
Neutral Citation : Yes/No  
Index : Yes/No  
msrm

To

1. The learned Principal Subordinate Judge, Erode.
2. The Section Officer,  
VR Section,  
High Court of Madras.



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**T.V.THAMILSELVI.J,**

msrm

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