



C.R.P. No. 2670 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :.07.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
C.R.P. No. 2670 of 2023

1. Minor Murugan

2. Minor Selva Kowsalya

...Petitioner

.Vs.

1. Sunthari

2. Muthukumar

3. Senthilmurugan

4. Savitha

5. JANA Small Finance Bank
Through the Manager,
Branch Office,
Ground and First Floor,
The Fairway Business Park,
100 Feet Road, Challaghatta,
Bengaluru, Karnataka



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6. DCB Bank
Through the Manager,
Branch Office,
Door No.13/45, No.29,
Thenganikotta Road,
Shanthi Nagar, Hosur,
Krishnagiri District.

7. The Sub Registrar
Office of the Sub Registrar,
Hosur, Krishnagiri District

..Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the Principal Subordinate Court , Hosur to number the unnumbered suit in O.S.Sr.No.5073 of 2023 and take the suit on file and thereby render justice.

For Petitioner : M/s Lourdu Paul Maurya

ORDER

This petition is filed to direct the Principal Subordinate Court, Hosur to number the unnumbered suit in Os.Sr.no.5073 of 2023 and take the suit on file.



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2. The case of the petitioner is that the plaint filed by him was returned and the reasons stated for returning is that, Genealogical tree to be produced, Encumbrance Certificate and the suit property is a self acquired property of deceased Alagarsamy and he has already mortgaged the 1st item of the property with the bank and item 2 of the suit property has already alienated by the deceased Alagarsamy. Hence the petitioner has come forward with this petition seeking to number the suit.

3. The learned counsel for the petitioner submitted that the Trial Court should have not questioned the maintainability of the suit touching the merits of the case and the same has to be decided only during the arguments. Hence he prays this Court to allow this petition.

4. On a perusal of the impugned order it is seen that the Court below had questioned about the merits of the case, which is irrelevant at the time of numbering of the suit.



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5. In view of the above, the learned Principal Subordinate Court, Hosur is directed to number the plaint, if the requirements of Order VII rule 1 of Civil Procedure Code is complied with.

6. With the above directions, this Civil Revision Petition is disposed of. No order as to costs.

07.08.2023

smn

Index : Yes/No

Internet: Yes/No

Note : **Registry is directed to return the original applications to the petitioner.**

To.

1. JANA Small Finance Bank, Branch Office,
Ground and First Floor, The Fairway Business Park,
100 Feet Road, Challaghatta, Bengaluru, Karnataka
2. DCB Bank, Branch Office,
Door No.13/45, No.29,
Thenganikotta Road, Shanthi Nagar, Hosur,
Krishnagiri District.
3. The Sub Registrar, Office of the Sub Registrar,
Hosur, Krishnagiri District.
4. The Principal Subordinate Court , Hosur



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V.BHAVANI SUBBAROYAN,J.
Smn

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