



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10. 2023

CORAM:

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

CRP No. 3666 of 2022

Chapa Saraswathi

...Petitioner

Vs.

- 1.Sri Anyam Satyanarayana
- 2.Sri Anyam Venkateswara Rao
- 3.Adapa Dhanalakshmi
- 4.Sunkara Madhusudana
- 5.Sunkara Maheshwara Nagendra
- 6.Madhali Ganga Madhuri
- 7.Anyam Veerbhadra
- 8.Anyam Rajesh
- 9.Anyam Ramesh
- 10.Anyam Satyanarayan
- 11.Anyam Ramakrishna
- 12.Anyam Maruti Rao
- 13.Alapati Nagamani
- 14.Peddapati Savitri
- 15.Anyam Sitaramayya
- 16.Gandham Mahalakshmi

....Respondents

PRAYER : This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside return docket order, dated 19.11.2021



passed in unnumbered OS.Sr.No. 14226 of 2021 by the Hon'ble District Judge at Puducherry and direct the Registry/Court to number the Original suit in OS.S.R.No. 14226 of 2021 and take the suit on file by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Xavier Felix
R1 & R12 : Died.
R3 & R7 : Not appeared
R2 to R5,R10, R11, R13 to R16: Unclaimed
R6 : Tapal not yet returned served or unserved

ORDER

This petition has been filed to set aside return docket order, dated 19.11.2021 passed in unnumbered OS.Sr.No. 14226 of 2021 by the District Judge, Puducherry and direct the Registry/Court to number the Original suit in OS.S.R.No. 14226 of 2021 and take the suit on file.

2. The learned counsel for the petitioner submits that as per Section 8 of the Pondichery Civil Courts, Act, 1966, the District court, Pondicherry, alone having jurisdiction to try the suit for the value of property more than five lakhs but the Court below without appreciating the above erroneously returned the plaint as such as is unjust and unfair. Hence, he prays to allow this petition.

3. Heard both sides.

4. On perusal of records, it reveals that the value of the suit property is



more than five lakhs, as per Section 8 of Pondichery Civil Courts, Act, 1966, the District Court alone is having jurisdiction to conduct the case. Therefore, the District Court, Pondichery is empower to take case on file but erroneously returned the same. Hence, the return docket order dated 19.11.2021 passed in unnumbered O.S Sr.No. 14226 of 2021 by the District judge, Puducherry, is set aside and the District Judge is directed to number the original suit in O.S Sr. No. 14226 of 2021 and take the suit on file. Further, the Registry is directed to return the original plaint to the petitioner. Accordingly, this petition is disposed of. No cost. Consequentially, connected miscellaneous petition is closed.

13.10.2023

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T.V.THAMILSELVI,J.

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