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C.R.P.No.4365 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4365 of 2022

1.Shri Ragavendra Kalvi Arakattalai,
Rep. By Executive Trustee S.B.Yuvaraj,
Vennanthur Village,
Rasipuram Taluk,
Namakkal District.

2.S.B.Yuvaraj

3.S.P.Seerangan

4.K.Dharmalingam

5.K.Nagarajan

6.M.Rukkumani

7.R.Balakrishnan

8.A.Somasundharam

9.T.Sangeetha

10.N.Venkatachalam

11.V.Saraswathi

12.S.B.Matheshwaran



13. A.Selvam

14.M.G.Kandasamy

15.A.Kumar

16.M.P.Ramasamy

17.K.Ponnuvel

18.V.Sivasakthi

19.V.Sivambikai

20.B.Sathishkumar

21.K.Selvi

22.M.Navaneethakumar

23.V.Venkachalam

[cause-title accepted vide Court order
dated 14.12.2022 made in
C.M.P.No.21592 of 2022
in C.R.P.Sr.No.130772 of 2022]

... Petitioners

Vs.

P.Palanisamy

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, directing the Principal District Judge, Namakkal to take the plaint to number the suit in O.S.Sr.No.11276 of 2021 on file upon its representation.

For Petitioners

: Mr.R.Vivek



ORDER

The Civil Revision Petition has been filed to direct the Principal District Judge, Namakkal to take the plaint on file and number the Suit filed by the petitioners in O.S.Sr.No.11276 of 2021.

2. The revision petitioners instituted a Suit under Section 92 of the Civil Procedure Code, seeking permission to sell the Trust property.

3. The grievances of the revision petitioners are that the Registry, District Court, Namakkal, returned the case papers on several occasions, despite the fact that the petitioners have complied with the defects and represented the same.

4. However, the fact remains that the last return was made by the Principal District Judge, Namakkal on 19.10.2022. The said return was made only after hearing the parties by the Principal District Judge, Namakkal. When the Court heard the objections and passed an order, returning the plaint to rectify the defects, this Court is of the considered opinion that the revision petitioners are bound to comply with the defects and represent the same,



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enabling the Court to number the Civil Suit. Certain defects noted are pertinent for the purpose of considering the issues and the first defect itself reveals that one Mr.A.K.Dhakshinamoorthy was inducted as one of the trustee as per Complaint Document No:13 (copy of resolution; dated 21.02.2011). However, he was not shown as a trustee of first plaintiff in the plaint. Therefore, the revision petitioners have to clarify all these aspects to the satisfaction of the Principal District Court, Namakkal for the purpose of numbering the Suit. The other defects noted in the order impugned are also to be complied with by the revision petitioners. Since the petitioners seek permission of the Court to sell the Trust property, the defects and the clarifications sought for must be complied with to the satisfaction of the Court concerned for the purpose of adjudication of the issues by numbering the Suit.

5. Thus, the petitioner is at liberty to comply with the defects noted by the Principal District Judge, Namakkal in the order impugned and represent the case, enabling the District Court, Namakkal to scrutinise the same by following the procedures.



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6. With this liberty, the Civil Revision Petition stands disposed. No costs.

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04.01.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

The Principal District Judge,
Namakkal.



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S.M.SUBRAMANIAM, J.

skr/kak

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