



CRP. No. 4306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM:

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

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Mohan

...Petitioner

Vs.

1.Jayalakshmi

2.Santhoshkumar

....Respondents

PRAYER : This petition filed under Article 227 of the Constitution of India, to direct the learned subordinate judge, Attur to number the suit filed in unnumbered O.S S.R No. 9132 of 2023 by allowing the present Civil Revision petition.

For Petitioner : Mr.R.jayaprakash
For R.M.Maheshkumaravel

ORDER

This petition has been filed to direct the learned subordinate judge, Attur to number the suit filed in unnumbered O.S S.R No. 9132 of 2023

2. Heard the learned counsel for the petitioner.

3. On seeing the fact that the petitioner filed suit in O.S S.R No. 9132



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of 2023 for the relief of permanent injunction against the respondent before the subordinate judge, Attur. The said plaint was returned by the Court stating that the suit is barred by limitation. As per the submission of the learned counsel for the petitioner, the plaintiff had executed the sale deed in favour of the defendant only for the purpose of obtaining the loan of Rs.5,00,000/- and the first defendant also given affidavit that the said sale deed was only for security purpose and there is not time limit has been fixed in the affidavit. Thereafter, the plaintiff called the first defendant to reconvey the property to him but he refused to do so and also trying to the sell the property to the third parties. Hence the necessity arose for the plaintiff to file the suit but the Court below erroneously returned the plaint.

4. Considering the facts of the case, the petitioner filed the suit within a limitation period but the Court below failed to appreciate the above facts. Hence, the subordinate judge, Attur, is directed to number the suit in O.S S.R No. 9132 of 2023 within a period of two weeks from the date of receipt of a copy of this order. Registry is directed to return the plaint.



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T.V.THAMILSELVI,J.

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5. In result, this civil Revision petition is allowed. No cost.

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To

1. The Subordinate judge, Sub Court, Attur.

Copy To

The section Officer,

E.R.Section,

High Court, Madras.

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