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CRP No.4315 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No.4315 of 2022

Subramani

....Petitioner

-Vs-

Ponnusamy @ Prabhakaran

.... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India, to entertain the unnumbered OS No. of 2022(Filing No. O.S No.1652 of 2022) Principal District Judge at Namakkal filed by the petitioner herein on 30.09.2022 and number the same and allow the above C.R.P.

For Petitioner : Mr.R.Nalliyappan

For Respondent :

ORDER

This Civil Revision petition has been filed to entertain the unnumbered OS No. of 2022(Filing No. O.S No.1652 of 2022) on the file of the Principal District Judge, Namakkal filed by the petitioner herein on 30.09.2022 and



number the same.

2. Heard the learned learned counsel for the petitioner.

3. It is seen from the records that the petitioner filed suit for recovery of money based on unregistered mortgage deed and also for other consequential relief. The said petition was returned by the Trial Court stating that how the claim on an un-registered mortgage deed is maintainable. Thereafter the petitioner modified his prayer by relinquishing relief of mortgage decree and claim only money decree stated that based on money decree claiming the defendant to pay a sum of Rs.10,00,000/- with interest. Thereafter the Trial Court not taken the case on file and returned the same as previous return was not complied.

4. On perusal of records, it reveals that after returning the plaint, the petitioner modified his prayer as suit for recovery of money. However, with regard to other maintainability which can be decided only at the time of the trial and also it is the suit for recovery of money. Hence the Principal District Judge, Namakkal, is directed to number O.S No. of 2022(Filing No.1652 of 2022) as expeditiously as possible.



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5. Accordingly this Civil Revision Petition is disposed of. No costs.

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Index : Yes/No
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