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C.R.P.No.4476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

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

C.R.P.No.4476 of 2023

R.Ezhilarasi

... Petitioner

-Vs-

1. Latha
2. Minor Blessing Joys
3. Minor Krishna Surya
4. Poorani

... Respondents

**Prayer** : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside order dated 07.08.2023 passed in S.R.No.12756 of 2023 in unnumbered O.S.No.... of 2023 on the file of learned Principal District Court, Villupuram.

For Petitioner : Mr.T.K.Saravanan

**ORDER**

Challenging the impugned order passed in an unnumbered plaint in O.S.SR.No. 12756 of 2023 passed by the learned Principal District Judge, Villupuram, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial



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judge, notice to the respondents is dispensed with.

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3. Before the trial court, the Revision Petitioner/plaintiff filed a suit against the defendants 1 to 4 for the relief of declaration and injunction. The said suit was returned by the trial judge stating that there is no title deed was produced to show the title of suit property, but the same was represented by the plaintiff stating that since the properties are ancestral in nature, there was no title deeds, but there is a partition deed dated 07.02.1996 was relied. Further, after issuance of UDR patta in the year of 1994, there is a variation in the extent and the same was transferred in the name of plaintiff's close relative Kuppan. But, the trial judge has not agreed with the representation made on the side of plaintiff, since because the extent is also differed as well as patta also stand in the name of another man and there is no title deed to prove her claim, thereby returned the plaint. Challenging the said findings, the plaintiff preferred this Civil Revision Petition.

4. Records perused. On perusal of records, it would reveals that with regard to the description of property, the Revision Petitioner/plaintiff produced the partition deed related to the year of 1966. So, she had enclosed the certificate issued by Village Administrative Officer, death



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certificate and other 14 documents and along with those documents, she produced available title deeds. If at all, the extent is varied, the defendants can agitate the same before the trial court. When there is a prima facie case is made out, the plaint can be taken on file. Accordingly, this Civil Revision Petition is allowed and the findings rendered by the trial judge in an unnumbered plaint in O.S.SR.No. 12756 of 2023 is set aside and the said plaint is ordered to be taken on file. The trial judge is directed to number the plaint and to take the plaint on file within a period of two weeks from the date of receipt of copy of this order. Registry is directed to return the original plaint to the Revision Petitioner within a period of two weeks. No costs.

**15.12.2023**

Index : Yes/No

Speaking Order : Yes/No

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To

The Principal District Judge, Villupuram.



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**T.V.THAMILSELVI, J.**

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