



C.R.P. No.4723 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4723 of 2023

A.Chidambaram

... Petitioner

Versus

1. S.Rangasamy
2. S.Kesavan
3. S.Rajagopal
4. B.Vijayakumar
5. S.Venkataramanan

6. M/s. Snigdha Builders and
Construction Pvt. Ltd.,
rep. by its authorised signatory
1. N.Lakshmanan
2. Gowrimani

.. Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair order dated 31.08.2023 passed in O.S.SR. No.4859 of 2023 on the file of the learned District Munsif Court, Chengalpattu.



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For Petitioner : Mr.R.Sagadevan

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ORDER

Challenging the impugned order of rejecting the plaint made in O.S.SR.No.4859 of 2023 before numbering the plaint and taking on file by the learned District Munsif, Chengalpattu, the revision petitioner/plaintiff preferred this Civil Revision Petition.

2. Since the relief claimed challenging the order passed by the trial court, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner/plaintiff filed a suit for declaration to declare the revocation of power of attorney deed made by the defendants 1 and 2 as null and void and also other sale deeds executed by the defendants as null and void and for permanent injunction. But, the trial judge not inclined to take the case on file stating that having come to know about the revocation of power deed in the year of 2019 itself, the suit was filed after three years, as such is not permissible under law, thereby he



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attempted to create a new cause of action based on the order passed by this court in C.R.P. No. 1820 of 2023. Accordingly, the trial judge rejected the plaint. Challenging the said findings, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that as a power of attorney, the plaintiff entered into a sale agreement with the 3rd defendant Rajagopal and thereafter, the Principal cancelled the power of attorney. Now, against him, the said Rajagopal initiated proceedings for specific performance in O.S.No.106 of 2007 and the same is pending before the same court, but without his knowledge, the Principal cancelled the power of attorney. So, in order to prove his defence, the plaintiff filed the present suit and in an earlier occasion, this Court gave a liberty to file a fresh suit in C.R.P. No.1820 of 2023 before the trial court. Accordingly, the plaintiff preferred the present suit. But, before numbering the plaint, the trial judge rejected the plaint. Aggrieved over the same, he preferred this Civil Revision Petition.



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5. On seeing the facts, it reveals that having given liberty to the plaintiff, now by amending the prayer, the plaintiff filed a fresh suit, but inspite of direction made by this court, the trial judge not taken the case on file, which would show that she is not inclined to follow the direction given by this court, thereby the attitude of the Presiding Officer also not to be encouraged. Accordingly, this Civil Revision Petition is allowed and the rejection made by the trial judge in O.S.SR.No. 4859 of 2023 is set aside. The trial judge is directed to take the case on file within one week 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.

20.12.2023

Index: Yes/No
Internet: Yes/No
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To

The District Munsif Court, Chengalpattu.



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T.V.THAMILSELVI, J.

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