



C.R.P.No.4937 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

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

C.R.P.No.4937 of 2023

K.Selvamani

... Petitioner

-Vs-

1. R.Shanmugam
2. Rajeswari
3. S.Prema
4. R.Sankar

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed in unnumbered O.S.SR.No.409 of 2023 dated 20.07.2023 on the file of Subordinate Judge, Tiruvarur.

For Petitioner

: Mr.D.Padmanabhan

ORDER



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Challenging the impugned order passed in unnumbered O.S.SR.No.409 of 2023 dated 20.07.2023 passed by Sub-Judge, Thiruvarur, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

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

3. Before the trial court, the Revision Petitioner filed a suit seeking for the relief of partition against defendants 1 to 3 and other consequential relief. But the plaint was rejected by the trial judge stating that without producing title deed stands in the name of Rajamanickam, who is father of plaintiff, he has produced the patta stands in the name of Rajamanickam as well as other revenue records along with death certificate. But, the trial judge returned the plaint holding that those documents are not sufficient to take the plaint on file, thereby returned the plaint. Aggrieved over the same, the Revision Petitioner preferred this Civil Revision Petition.

4. Admittedly, the Revision Petitioner filed a suit seeking for the relief of partition against defendants 1 to 3 and other consequential relief. However, the Revision Petitioner without producing title deed stands in the name of Rajamanickam, who is father of plaintiff, he has produced the



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patta stands in the name of Rajamanickam as well as other revenue records along with death certificate. But, the trial judge rejected the plaint holding that those documents are not sufficient to take the plaint on file, as such is erroneous one and the same is liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the findings rendered by the trial judge in unnumbered suit in O.S.SR.No.409 of 2023 is set aside. The trial judge is directed to take the plaint on file and to proceed with the case as per manner known to law within a period of two weeks from the date of receipt of copy of this order. If at all, any document is not produced by the plaintiff, the trial judge can very well decide the issue at the end of trial. Registry is directed to return the original plaint to the Revision Petitioner within a period of two weeks. No costs.

22.12.2023

Index : Yes/No
Speaking Order : Yes/No
rpp

To

The Sub-Judge, Thiruvarur.



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T.V.THAMILSELVI, J.

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