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C.R.P.No.4700 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

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

C.R.P.No.4700 of 2023

A.Ravi

... Petitioner

-Vs-

1. S.Latha

2. Muniammal

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to issue suitable direction to the learned Principal District Judge, Dharmapuri to number the suit filed by the petitioner in filing No.OS/642/2023 dated 01.08.2023 and to proceed with the same in accordance with law.

For Petitioner : Mr.A.Arun

ORDER

The Revision Petitioner herein is the plaintiff and he has filed a suit in Filing No.O.S/642/2023 on the file of learned Principal District Judge, Dharmapuri seeking to execute reconveyance deed in favour of him on



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receiving a sum from him against the defendants 1 and 2.

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2. Since the relief claimed by the Revision Petitioner only seeking a direction for a speedy disposal, the notice to the respondents is dispensed with.

3. Before the trial court, the plaintiff filed a suit with the prayer to execute a reconveyance deed in favour of him by receiving a sum of Rs.11,49,000/- from him and seeking the said direction against the 1st defendant. But, the trial judge before taking the case on file, returned the plaint in many number of occasions and the main query raised by the trial court is that the plaintiff is directed to produce some proof to show the alleged borrowal. Challenging the said findings, he preferred this Civil Revision Petition and also prayed to direct the trial judge to number the suit and to proceed with the same in accordance with law.

4. Records perused. On perusal of records of sale deed as well as document of agreement for reconveyance of the property, both were executed on the same day. Hence, if opportunity is not given to the plaintiff to prove his claim, his valuable right to defend the case will be defeated. However, the numbering the plaint is an administrative work, which is not required any proof even at the time of filing the suit and it is a



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settled proposition. Furthermore, even the proof of borrowal is reflected in the reconveyance deed, however, all those documents are subject to proof and relevancy. But, without considering the same, the trial judge erroneously returned the plaint. Therefore, this Court is inclined to direct the trial judge to number the plaint in Filing No. O.S/642/2023 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. Accordingly, this Civil Revision Petition is disposed of. No costs.

19.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Principal District Judge, Dharmapuri.

T.V.THAMILSELVI, J.



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