



C.R.P.(MD)No.488 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.488 of 2020

- 1.Albin (Died)
- 2.A.Uginmil Burge
- 3.A.Maria Sarabin George
- 4.A.Anitha

.. Petitioners

[Petitioners 2 to 4 are brought on record as LR's. of the deceased first petitioner, vide Court order dated 13.06.2023, made in C.M.P.(MD)Nos.5807, 5810 & 5811 of 2023]

Versus

- 1.Nazren Soosai,
Bishop of Roman Catholic,
Kottar Diocese,
Kanyakumari District.
- 2.Vaigundarajan
- 3.Jegadeesan
- 4.Chandrasen
- 5.Subramanian
- 6.Sumita Nazareth Charles,
W/o.Carol Judson,
M/s.Stella Marys Engineering College,
Ammadivilai Post,
Kanyakumari District.

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to pass an order of direction to the Principal District Munsif Court, Padmanabapuram, to

<https://www.mhc.tn.gov.in/judis>



number the Original Suit, which has been filed by the petitioner in No.2882 and allow this Civil Revision Petition.

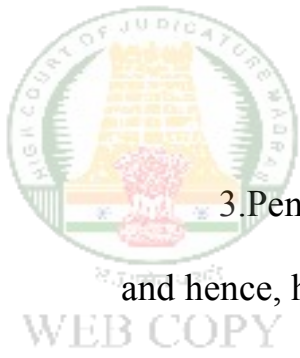
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For Petitioners	:	Mr.V.Sasikumar
For R1, R2 and R5	:	Mr.M.Sengu Vijay
For R3 and R4	:	No Appearance
For R6	:	Mr.T.Antony Arul Raj

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Principal District Munsif, Padmanabapuram, to number the Original Suit, which has been filed by the first petitioner in No.2882.

2.The first petitioner had filed the above suit for a declaration and for a permanent injunction against the respondents herein on 20.05.2019. On 16.08.2019 the plaint was returned with an endorsement that the first petitioner has to file a suit by valuing it under Section 25(d) of the Tamil Nadu Court-Fees and Suit Valuation Act, 1965 [hereinafter referred to as "the Act"] and the suit valued under Section 25(b) of the Act is not maintainable. Therefore, the first petitioner has re-presented the suit on 16.10.2019 before the Principal District Munsif Court, Padmanabapuram. Thereafter, on 16.10.2019 the Court below has returned the plaint once again stating that the suit is to be valued under Section 25(b) of the Act.



3. Pending disposal of the Civil Revision Petition, the first petitioner has died and hence, his legal representatives have now been impleaded as petitioners 2 to 4.

4. Heard the learned counsel for the petitioners, the learned counsel for the respondents 1, 2 and 5 and the learned counsel for the sixth respondent.

5. Notice on the respondents 3 and 4 has been served. However, there is no representation on behalf of them.

6. As no adverse orders are proposed to be passed against them at this stage on merits, this Civil Revision Petition is disposed of by directing the petitioners 2 to 4 to re-present the plaint before the Principal District Court, Kanyakumari District at Nagercoil, within a period of 15 days from the date of receipt of a copy of this order. The learned Principal District Judge, Kanyakumari District at Nagercoil, shall number the suit and dispose the same on merits and in accordance with law. The petitioners 2 to 4 are directed to pay appropriate Court fees under Section 25(b) of the Act. All the issues relating to the jurisdiction of the Court and the maintainability of the suit are left open to be canvassed by the respondents, who have been arrayed as defendants in the suit.



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7.This Civil Revision Petition stands disposed of with the above directions.

No costs.

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NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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19.06.2023

Note:- Registry is directed to return all the original documents filed along with this revision after getting attesting copies of the same.

To

1.The Principal District Judge,
Kanyakumari District at Nagercoil.

2.The Principal District Munsif,
Padmanabapuram.



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C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.488 of 2020

19.06.2023