



C.R.P.(MD) No.1201 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

**C.R.P.(MD) No.1201 of 2023**

Kanimuthu

... Petitioner

Vs.

1.Manimegalai

2.Navaneethakrishnan

3.Vijayaraj

4.Murugesan

5.Pavul raj

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Sub Court, Dindigul to number the I.P.Sr.No.1402 of 2022 dated 25.02.2022.

For Petitioner : Mr.L.Jeen Felix

**ORDER**

This Civil Revision Petition has been filed against the docket order dated 14.06.2022 returning the Insolvency Petition filed by the petitioner under the provisions of the Provincial Insolvency Act, 1920.



C.R.P.(MD) No.1201 of 2023

WEB COPY

2. By the impugned order, the Sub Court, Dindigul has returned the Insolvency Petition filed by the petitioner and has directed the petitioner to re-present the same before the appropriate forum. It is also noticed that from 04.03.2022, orders have been passed returning the Insolvency Petition, to which, the learned counsel for the petitioner was continuously giving explanation. Finally, the impugned order 14.06.2022 has been passed. The relevant portion of the first returned order dated 04.03.2022 and the impugned order dated 14.06.2022 reads as under:-

| <b><i>Order dated 04.03.2022</i></b>                                                                          | <b><i>Impugned order dated 14.06.2022</i></b>                                        |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Petitioner residence at Palani<br>This petition to be filed proper Forum<br><br>Hence return<br>Time 1 month. | Petitioner returns not yet<br>Properly complaint<br><br>Hence Return<br>Time 1 month |

3. The learned counsel for the petitioner submits that the relief sought for in the Insolvency Petition is against the first and second respondents, insolvents who had sold the properties to the third, fourth and fifth respondents.



C.R.P.(MD) No.1201 of 2023

4. I have considered the arguments advanced by the advanced by the learned counsel for the petitioner.

5. Section 11 of the Provincial Insolvency Act, 1920 deals with the Court to which petition can be presented which reads as under:-

**11. Court to which petition shall be presented.**—Every insolvency petition shall be presented to a Court having jurisdiction under this Act in any local area in which the debtor ordinarily resides or carries on business, or personally works for gain, or if he has been arrested or imprisoned, where he is in custody:

**Provided** that no objection as to the place of presentment shall be allowed by any Court in the exercise of appellate or revisional jurisdiction unless such objection was taken in the Court by which the petition was heard at the earliest possible opportunity, and unless there has been a consequent failure of justice.

6. A reading of the above provision indicates that an Insolvency Petition has to be filed before the Court having jurisdiction under the Act in any local area in which the debtor ordinarily resides or carries on business, or personally works for gain, or if he has been arrested or imprisoned, where he is in custody.



WEB COPY



C.R.P.(MD) No.1201 of 2023

**C.SARAVANAN, J.**

jen

7. In this case, the first and second respondents are residing in Dindigul District. Therefore, the objection of the Sub Court, Dindigul District has no merits. The Sub Court, Dindigul is therefore directed to number the Insolvency Petition filed by the petitioner and take up for trial.

8. Accordingly, the present Civil Revision Petition deserves to be allowed and is accordingly allowed. No costs.

01.06.2023

Internet: Yes/No

Index: Yes/ No

jen

**Note:-** Registry is directed to return the original copy of the Insolvency Petition to the learned counsel for the petitioner for re-presentation.

To  
The Sub Court, Dindigul

C.R.P.(MD) No.1201 of 2023