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C.R.P.(MD)No.2113 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.2113 of 2022

S.Suthigadevi

.. Petitioner

Versus

1.R.Nallammal
2.R.Dhanapathi
3.D.Vasuki
4.D.Santhosh
5.R.D.Sooriyah
6.M.Rajendran

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, against the return of unnumbered plaint in F.No.OS/900/2022, dated 06.09.2022, on the file of the Principal District Judge, Karur.

For Petitioner : Mr.K.Suresh

ORDER

The petitioner has filed this Civil Revision Petition to set aside the return of unnumbered plaint filed by her before the Principal District Court, Karur.

2. The learned counsel for the petitioner submits that the learned Principal District Judge, Karur, has returned the plaint twice namely, on 16.08.2022 and



06.09.2022. The petitioner has complied with the defects pointed out in the first return. Thereafter also, the plaint was returned. Challenging the second return, dated 06.09.2022, the petitioner has come forward before this Court by filing the present Civil Revision Petition.

3. I have perused the returns, dated 16.08.2022 and 06.09.2022.

4. In my view, the returns are unwarranted and the plaint has to be admitted after its presentation before the Court. If there are serious objections on the maintainability of the suit, the suit has to be numbered first if it is otherwise in order and if proper Court fee is paid, it has to be decided on merits after hearing the parties. Therefore, the impugned returns are set aside. The petitioner shall re-present the plaint forthwith before the Principal District Court, Karur. On such re-presentation, the learned Principal District Judge, Karur, shall direct numbering the suit as expeditiously as possible and thereafter, proceed to issue summons to the defendants therein and pass preliminary order.

5. This Civil Revision Petition is allowed accordingly. No costs.

NCC : Yes/No

03.04.2023

Index : Yes/No

Internet : Yes/No

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



To

The Principal District Judge,
Karur.



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C.SARAVANAN, J.

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Order made in
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