



C.R.P.(MD)No.3318 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3318 of 2023

Silumbayee

... Petitioner

Vs.

1. Thirunavukkarasu

2. Naveen

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 30.10.2023 made in O.S.Sr.No.5153 of 2023 on the file of Principal District Munsif, Manapparai by allowing the Civil Revision Petition and direct the learned District Munsif to number the suit and to take the suit on file.

For Petitioner : Mr.K.S.Kathiravan

ORDER

The Civil Revision Petition is directed against the order dated 30.10.2023 returning the plaint filed under Order 7 Rule 1 C.P.C. and for directing the learned Principal District Munsif, Manapparai, to take the plaint on file.



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2. The learned counsel appearing for the revision petitioner would submit that the revision petitioner has filed a plaint in O.S.Sr.No.5153 of 2023 to declare that the suit property is belonging to her and for mandatory injunction for removal of the constructions made in the suit property by the respondents, that the plaint was returned directing the revision petitioner to produce the records showing the guideline value of the suit property and that the revision petitioner has complied with the said direction and re-presented the plaint, but the learned Principal District Munsif has again returned the plaint stating that previous return not yet rectified.

3. The learned counsel appearing for the revision petitioner would further submit that guideline value of the suit property in respect of the Survey No.346/54 is not available and taking note of the guideline value for the entire Survey No.346, the plaint was valued, that the Sub Registrar has sent a letter to the Tahsildar, Manapparai informing that the Survey No.346/54 of Ayanreddiyapatty Village does not find place in the Government guideline register and that despite production of the same, the learned Principal District Munsif has passed the impugned order returning the plaint.



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4. It is the specific case of the revision petitioner that the Survey No. 346/54 does not find place in the guideline register and that is why, she valued the plaint on the basis of the guideline value specified for the entire Survey No.346 and that was confirmed by the Sub Registrar Office, Manapparai.

5. Considering the above, the impugned order of return made by the learned Principal District Munsif is not proper and is not in accordance with law. Hence, the revision petitioner is hereby directed to re-present the plaint and on such re-presentation, the learned Principal District Munsif, Manapparai is directed to take the plaint on file, if it is otherwise in order.

6. With the above direction, this Civil Revision Petition is allowed.

No costs.

19.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

Note : Registry is directed to return the original papers to the revision petitioner, after getting necessary acknowledgments.



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K.MURALI SHANKAR,J.

csn

To

1. The Principal District Munsif Court,
Manapparai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.3318 of 2023

Dated : 19.12.2023