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C.R.P.(PD)No.1630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.1630 of 2024

S.Mala Devi

.. Petitioner

Vs.

G.Ravi

.. Respondent

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the District Munsif Court at Poonamallee to number the suit in O.S.SR.No.352 of 2023 to taken on the file.

For Petitioner : Mr.K.Natarajan

ORDER

The present revision arises against the repeated returns of the plaint presented in O.S.SR.No.352 of 2023 by the learned District Munsif at Poonamallee.

2. The suit is for declaration of title and for consequential relief of recovery of possession.



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3. The case of the plaintiff is that, the defendant had encroached upon the property by trespassing into the same. In order to recover the property, the plaintiff had knocked on the doors of the Court. Instead of numbering the plaint, the learned Judge has vexed the plaintiff by repeatedly returning the same.

4. In case, the Court feels that the matter requires consideration of the issue of maintainability, the learned Judge could have numbered the plaint and thereafter, could have passed a judicial order. Till the stage of numbering of the plaint, the matter continues to be in the zone of ministerial acts of the Court. It is for a practice that the signature of the District Munsif is taken, but for all practical purposes, it is the ministerial staff of the Court who returns the plaint.

5. The position of law has been settled by a judgment of this Court in ***Selvaraj vs. Koodankulam Nuclear Power Plant India Limited [(2021) 4 CTC 539]***. Once this Court has taken a view that the Court must not pass ministerial orders keeping the suit pending, it is expected that the learned



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District Munsif, who is subordinate to this Court, should comply with the said direction.

6. Following the view taken by the Hon'ble Mr.Justice N.Seshasayee, I allow this revision.

7. Therefore, I direct the learned District Munsif at Poonamallee to number the suit in O.S.SR.No.352 of 2023, if it is otherwise in order.

8. It is always open to the defendant to raise the question of Court fees, if he is so desires after the suit is numbered and the plaint is taken on file. Let the Court not take the burden of the defendant. Accordingly, the Civil Revision Petition stands allowed. No costs.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

The District Munsif Court,
Poonamallee

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