



C.R.P.(PD).No.3783 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3783 of 2024

1. Ramakanth Sharma
2. Lalith Sharma
3. Sunil Sharma
4. Aarthi Sharma
5. Poonam Sharma

.. Petitioners

Versus

1. Varadha Babu alias V.Babu
2. Shanthi
3. D.Chinnapa
4. Canara Bank Limited,
Having its branch office at
No.27, Sivan Koil South Mada
Street, Villivakkam, Chennai - 600 049.
Represented by its Branch Manager

5. G.Mahalakshmi
6. G.Kannan

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the impugned docket order, dated 27.08.2024 in O.S.SR.No.1815 of 2024 passed by the learned Sub Judge, Thiruvottiur and direct the learned Sub Judge to number the O.S. Filing No.1815 of



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2024, pending on the file of the Sub Court, Thiruvottiyur within a timeline to be fixed by this Court.

For Petitioners : Mr.C.Suraj

ORDER

This Civil Revision Petition is filed due to the refusal of the learned Sub-Judge at Thiruvottiyur to number O.S.SR.No.1815 of 2024.

2. The plaintiffs are the civil revision petitioners. They presented O.S.SR.No.1815 of 2024 for the purpose of declaration that several registered deeds are null and void and for the relief of permanent injunction. Even at the time of numbering, the learned Judge directed the plaintiffs to give details of title and hence, has repeatedly returned the plaint. In terms of the Order VI Rule 9 of the Code of Civil Procedure, it would be sufficient if the documents, which are material, are mentioned in the plaint and to state the effect thereof as briefly as possible. There is no necessity to extract the whole or any part thereof for the purpose of numbering the plaint.

3. Mr.C.Suraj, learned Counsel for the civil revision petitioners would state that all the title deeds and the documents, on which he is relying upon, the certified copies thereof, will be presented at the time of trial.



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4. Insofar as the pleading for plot Nos.56, 57 and 58 are concerned, the same are found in page No.12 to page No.17 of the plaint. At the stage of numbering, the Court need not don on itself the role of a defendant. If the pleadings are referable to the documents and the documents or copies thereof have been filed, that would be sufficient compliance. This position of law is laid down by the Supreme Court in the case of ***Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited represented through its Project Director, 2021 SCC OnLine Mad 2514.***

5. In the light of the above judgment, this Civil Revision Petition is allowed. The impugned docket order, dated 27.08.2024 in O.S.SR.No.1815 of 2024 passed by the learned Sub-Judge, Thiruvottiyur is set aside. The learned Judge shall number O.S.SR.No.1815 of 2024, if it is otherwise in order and issue summons to the defendants. The learned Sub-Judge is requested to act on a web copy of this order and not insist on production of a certified copy of the order. No costs.

20.09.2024

Index : yes/no
Speaking order/Non-speaking order



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Neutral Citation : yes/no

grs

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***Note:- Registry is directed to return the original plaint
to the petitioners after obtaining usual endorsement.***

To

The Sub Judge,
Thiruvottiyur.



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V.LAKSHMINARAYANAN, J.

grs

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