



C.R.P. (PD) No.4137 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.4137 of 2024

Murugesan

... Petitioner

Versus

1.Murugesan
S/o Krishnan
2.Rajendran
3.Magalingam
4.Pichaiammal
5.Amudha
6.Sub Registrar
Kilapavur Sub Registrar Office
Ariyalur Taluk
Ariyalur District.

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order setting aside the docket order dated 10.08.2022 in O.S.(SR) No.271 of 2021 on the file of the Principal District Munsif, Ariyalur and consequently direct the Principal District Munsif, Ariyalur, to number the suit within a stipulated time.

For the Petitioner

: Mr.M.Rajeswaran

For the Respondents

: Mr.R.Siddharth,
Govt. Advocate for R6



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ORDER

This Civil Revision Petition arises against the order of return passed by the learned District Munsif at Ariyalur.

2. When the matter is listed before me, the learned counsel for the petitioner filed a Memo dated 22.10.2024 and the same is recorded.

3. The cause of action for the present suit is that the defendants had presented the suit in O.S.No.51 of 2021 on the file of the Sub Court, Ariyalur and obtained a compromise award after referring the matter to Lok Adalat on 23.08.2021. The plaintiff pleads that he is entitled to a share in the property and that by virtue of the Lok Adalat Award, a cloud has been cast over his share of the property. The learned District Munsif, Ariyalur refused to take the suit on file, on the ground that the suit is barred by virtue of Section 21 of the Legal Services Authority Act, 1987.

4. A perusal of Section 21 (2) of the Legal Services Authority Act,



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1987 would show that the award is obtained before the Lok Adalat and binding on all the parties to the dispute. It is a clear and specific case of the Civil Revision Petitioner that he is not a party to O.S.No.51 of 2021 on the file of the Sub Court, Ariyalur. Therefore, I am *prima facie* of the view that Section 21 (2) of the Act will not stand in the way of the plaintiff challenging the said award. Be that as it may, the plaintiff has today filed a memo that he will seek for declaratory relief of partition in addition to the prayer to set aside the award as an additional relief to the suit.

5. I am inclined to direct the learned Principal District Munsif, Ariyalur, to receive the plaint along with amended prayer for partition together with the additional Court Fee that the plaintiff would have to pay for the said relief and thereafter number the suit and issue summons to the defendants.

6. I recollect the view taken by Justice N.Seshasayee in the case of ***Selvaraj and Ors. Vs. Koodankulam Nuclear Power Plant India Limited, Represented through its Project Director*** in CRP(MD) Nos.915, 943, 967, 991 & 330 of 2020 dated 16.07.2021, had held that it is not the role of the



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Court at the time of numbering the plaint to dawn the role of the defendants and on that basis decide the averments made in the plaint. Numbering of a plaint is a ministerial act and holding the suit as barred by time is a judicial act. The ministerial act cannot affect the rights of the parties. Therefore, a direction is given to the learned District Munsif, Ariyaur, to number the suit, after the amendment are carried out and additional Court Fees are received. It is left open to the defendants to raise all the pleadings including the plea that the suit is not maintainable under Section 21 (2) of the Legal Services Authority Act.

7. With the above directions, this Civil Revision Petition stands disposed of. No costs.

2.10.2024

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Index : Yes / No

Internet: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

Note: Registry to return the original plaint to the petitioner, after obtaining necessary endorsement.



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To
The Principal District Munsif, Ariyalur.



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V.LAKSHMINARAYANAN, J.,

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