



CRP.No.5082 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP.No.5082 of 2023

G.Ganthimathi

...

Petitioner

/vs/

1.E.K.Saminathan

2.S.Nallasami

3.Essa Garments Private Limited,

Represented by its Director,

S.Sadiq Ali, Door No.44 (22),

Vengadesa Kalani, Kangayam Road,

Tiruppur District.

4.R.Ravi

5.M.Jabarulla

6.S.Abdul Ali

7.M.Shakul Hameed

8.A.Muhammad Rafiq

9.K.Mohamed Sdhik

10.A.Anish Fathima

...

Respondents

PRAYER : This civil revision petition has been filed under Article 227 of Constitution of India, to direct the Principle District Munsif Court, Tiruppur to number the plaint dated 30.03.2023 filed in C.F.R.No.2291 of 2023 in unnumbered suit on the file of the Principal District Munsif Court, Tiruppur instead of returning the plaint on various dates namely, 31.03.2023 and 14.07.2023.

For Petitioner

... Mr.Raghu. D



CRP.No.5082 of 2023

ORDER

The civil revision petition has been filed to direct the Principal District Munsif Court, Tiruppur to number the plaint dated 30.03.2023 filed in C.F.R.No.2291 of 2023 in unnumbered suit on the file of the Principal District Munsif Court, Tiruppur instead of returning the plaint on various dates namely, 31.03.2023 and 14.07.2023.

2.The learned counsel appearing for the petitioner submitted that originally the suit was filed on 30.03.2023 before the Principal District Munsif Court, Tiruppur and the same was returned with some endorsement on 31.03.2023. After complying with the return endorsement, the plaint was represented before the trial Court on 28.04.2023 but the same was periodically returned for one reason or other even though there is no legal bar to number the suit. Hence, the present civil revision petition has been filed.

3.I have considered the matter in the light of the submission made by the learned counsel appearing for the petitioner.



CRP.No.5082 of 2023

4. On perusal of the records, it is noticed in the impugned order that the trial Court returned the plaint for the following endorsement on 14.07.2023, which is extracted hereunder:

14.07.2023

As per the representation made by the counsel to return the plaint as per previous return not properly complied as dated 31.03.2023. The suit is returned. Representation time 7 days.

Further, it is noticed that the papers were returned and for representation, some time has been granted but the petitioner has not represented within time as directed by the trial Court. Therefore, I find no merit in the civil revision petition. Accordingly, the civil revision petition is dismissed with liberty to the petitioner to represent the same to the trial Court within a period of 10 days from the date of receipt of a copy of this order and on such representation, the trial Court is directed to consider the same on merit and decide the same in accordance with law and further, directed to return the original paper. No costs.

Index : Yes/No

10.01.2024

Internet : Yes/No

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Note: Issue order copy on 12.01.2024.



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CRP.No.5082 of 2023

V.SIVAGNANAM ,J.

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To

The Principle District Munsif Court,
Tiruppur

CRP.No.5082 of 2023

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