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C.R.P.(MD)No.167 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05/03/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

C.R.P(MD)No.167 of 2024

Vellaiyammal Memorial Rural
Development Trust,
Through its Trustee Mr.Vellaisamy : Petitioner/Plaintiff

Vs.

Seenivasan : Respondent/Defendant

PRAYER:- Civil Revision Petition has been filed under Article 227 of the Constitution of India, to pass an order directing the Principal District Court, Sivagangai to number the original suit filed by the petitioner against the respondent, which was finally returned, on 06/12/2023 in (19 Register No.6380 of 2023) and try the suit in accordance with law.

For Petitioner : Mr.N.Tamil Mani

O R D E R

This civil revision petition has been filed seeking for direction to the Principal District Court, Sivagangai to number the original plaint filed by the petitioner against the respondent, which was finally returned, on 06/12/2023 in (19 Register No.6380 of 2023) and try the suit in accordance with law.



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2. The facts in brief:-

The plaint was presented by the petitioner before the Principal District Judge, Sivagangai seeking the relief of recovery of money of Rs.21,00,000/- with subsequent interest and for costs. That plaint was presented, on 17/11/2023. It came to be returned by the trial court on various grounds. Re-submissions were made by the petitioner rectifying the defects pointed out by the office. But now, apart from the defects pointed out by the trial court, even maintainability was also questioned stating that recovery of money without seeking the relief for specific performance is not maintainable. On that account, it is repeatedly got adjourned and returned. Again, that was returned stating that it is a commercial transaction, without exhausting the remedy and pre-institution mediation, the suit is not maintainable. Finally, it was called in the open court, on 06/12/2023. Again, an order of return was made stating that the previous returns will hold good.

3. Challenging the above said repeated returns, this civil revision petition is preferred.

4. This court is completely at loss to understand the reasoning of the trial court in repeatedly returning the



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plaint questioning the very maintainability of the relief and entertainment of the suit. The plaint is based upon the agreement of sale entered into between the parties. If the trial court has got any doubt on maintainability of the prayer, it can take on the judicial side. Returning the plaint on the administrative side repeatedly is not proper.

5.On that sole ground, the order of return passed by the trial court is set aside. There shall be direction to the concerned trial court to process the plaint, if it is found, otherwise in order and proceed in accordance with law, after hearing the learned counsel appearing for the petitioner to put forth his plea, even on the ground of maintainability. Let the original plaint be returned to the petitioner further process, after retaining the copy of the same.

6.With the above said direction, this civil revision petition stands **allowed**. No costs.

05/03/2024

Index:Yes/No
Internet:Yes/No
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To,

The Principal District Judge,
Sivagangai.



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G.ILANGOVAN, J

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