



C.R.P.(MD)No.382 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

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1.Selvakumar
2.Thangalakshmi
3.Chelladurai
4.Ganesan
5.Mariarethis
6.Selvaraj
7.Thangalakshmi
8.Chellathai
9.Thangammal

... Petitioners/Plaintiffs

Vs.

1.Veeneshwari
2.Shanthi
3.Jasmine Subithra
4.Benjaam

... Respondents/Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge, Valliyoor, Tirunelveli District to take the O.S.S.R.No.9858 of 2023 on the file of the Subordinate Judge, Valliyoor, Tirunelveli District, and dispose of the



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same on merits.

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For Petitioner : Mr.C.Jeganathan

ORDER

Expressing grievance over the non entertainment of the plaint which was filed by the revision petitioners seeking partition and separate possession of their share, this petition has been filed.

2.The learned counsel for the petitioners submitted that even though pointing out some mistakes the trial Court returned the plaint and it was rectified and represented, it came to be returned periodically mentioning the very same reason. One among the main reason for returning is that the legal heirship certificate of Palvanna Perumal Nadar was not produced by the petitioner. The learned counsel for the petitioner would submit that he is unable to produce the document, since because he died long back. Even though that was not received by the respondent, that was unreliable. Even in the document annexed along with the plaint, he admitted that the property belongs to them ancestrally.



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3.Let the plaint be represented by the petitioner before the trial

Court mentioning all the above said facts. There shall be a direction to the trial Court to entertain the plaint and if still got doubt over the maintainability of the suit, the plaintiffs' counsel may be heard in the open court and decide the same on the judicial side. Repeated return of the plaint without entertaining the same may not be proper. For that purpose, let the original plaint be returned to the revision petitioners under proper acknowledgement.

4.With the above said directions, this civil revision petition stands disposed of. No costs.

19.02.2024

Index : Yes / No
Internet : Yes / No
TM

To

1.The Sub Judge, Valliyoor, Tirunelveli District.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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