



CRP(MD).No. 588 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

CRP(MD).No.588 of 2024

A.Mani

... Petitioner

Vs.

**1.The District Collector,
O/o. the District Collector,
Sivagngai District,
Sivagangai.**

**2.The Tahsildar,
O/o. the Tahsildar,
Sivagangai,
Sivagangai District.**

... Respondents

PRAYER:- Petition filed under Article 227 of the Constitution of India seeking to set aside the docket order, dated 16.11.2023 and direct the learned District Munsif Court, Karaikudi to take the original suit on file and adjudicate the same in accordance with law.

For Petitioner : Mr.D. Shanmugaraja Sethupathi

For respondents : Mr.J. Ashok

Additional Government pleader



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ORDER

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This Civil Revision Petition is filed seeking to set aside the docket order, dated 16.11.2023 and direct the learned District Munsif Court, Karaikudi to take the original suit on file and adjudicate the same in accordance with law.

2. The plaint was presented by the petitioner herein seeking the relief of declaration that son of the petitioner is deemed to be dead since he where about is not known to the petitioner for more than seven years and consequential direction to the Government Authorities to issue a Legal Heir Certificate to the petitioner / plaintiff. That came to be returned by the trial Court stating various grounds. That was also complied by the petitioner, with regard to the maintainability, again it was returned.

3. The maintainability of the suit can be decided on the Judicial side, but, without doing the same, returning the plaint on the administration side may not be proper. On that sole ground, there shall be a direction to the learned District Munsif Court, Karaikudi, to entertain the petition on the judicial side and decide the same on its own



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merits.

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4. With the above observation, this Civil Revision Petition is disposed of. No costs.

04.03.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
trp

Note: Registry is directed to return the original plaint after substituting the xerox copy of the same.

To

The learned District Munsif Court, Karaikudi



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G.ILANGO VAN,J.

Trp

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