



WEB COPY

C.RP(MD)No1664 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)No.1664 of 2024

Karthikeyan

... Revision Petitioner/Plaintiff

Vs.

1.Sivanesan

2.Jamuna

3.Manivel

4.Saravanan

5.Bhuvaneswari

...Respondents/Defendants

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned return order dated 12.07.2024 in unnumbered O.s.No... of 2024 on the file of the learned District Munsif Court, Thottiyam and direct the learned District Munsif Judge, Thottiyam to number the same.

For Petitioner

:Mr.A.N.Ramanathan

**ORDER**

The Civil Revision Petition is filed to challenge the impugned return order, dated 12.07.2024 in unnumbered O.S.No....of 2024.

2.From the very prayer itself and on perusal of the order, it is very clear that the suit filed by the petitioner is returned by the trial Court. Therefore, the petitioner cannot file this civil revision petition. The petitioner has to make such endorsement stating that even in respect of the poramboke property, if the petitioner is in enjoyment, it is only the Government which can interfere and if any third parties are interfering in his possession to that limited extent, the petitioner can maintain the suit or pleading over the property belongs to him. Without making such an endorsement and re-presenting the suit back to the file of the Court and arguing the matter before the trial Court, the filing of the Civil Revision petition is erroneous. Therefore, the civil revision petition is disposed of on the following terms:

(i)The Registry is directed to return the original plaint and the order which is filed along with the Civil Revision Petition before this Court to the learned counsel for the petitioner.

(ii)Upon receipt of the same, the learned counsel for the petitioner can



re-present it before the trial Court along with such endorsement. If the same is re-presented within a period of two weeks from the date of receipt of the copy of this order and the same shall be deemed to be re-presented in time and the same can be looked into by the Trial Court;

(iii) If the trial Court agrees with the reason mentioned while re-presenting the matter, the suit can be numbered. If it does not agree, the matter has to be called in open Court and the learned counsel for the petitioner can argue the matter before the trial Court, based on which decision has to be arrived at either numbering the suit or rejecting the suit and only if any order is passed against the petitioner, the petitioner can maintain further remedies. No costs.

25.07.2024

NCC:Yes/No

Ns

To

The District Munsif Court,
Thottiyam.



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D.BHARATHA CHAKRAVARTHY, J.

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