



C.R.P.(MD)No.2685 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.10.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.R.P.(MD)No.2685 of 2024  
and  
C.M.P.(MD)No.15345 of 2024

A.Maria Rita

... Petitioner / Petitioner

Vs.

1.N.Nithyakala

2.The Sub Registrar,  
Thalakulam Register Office,  
Madurai District.

3.The District Collector,  
Collector Office,  
Madurai District.

... Respondents / Respondents

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Principal District Court, Madurai District to number the unnumbered filing number O.S.... of 2024.

For Petitioner : M/s.A.Amala

For Respondents : Mr.K.Balasubramani

Special Government Pleader for R2 & R3



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## **ORDER**

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Heard the learned counsel appearing for the revision petitioner. Issuance of notice to the first respondent is dispensed with.

2. The petitioner filed a suit before the Principal District Judge, Madurai for recovery of certain sum of money from the first defendant. Of-course, in the prayer portion of the plaint, this has not been correctly typed. The court below has been returning the plaint on the ground that it is barred by limitation. The petitioner's counsel has made an endorsement that the first defendant had assured in writing on 22.06.2023 that the amount would be repaid and that limitation would start running from the said date. Whether limitation would stand enlarged is a matter that can be gone into later. At this stage of numbering a suit, it need not be the subject matter of an enquiry. Otherwise, that would amount to conducting trial before the trial. The court below is directed to number the plaint subject to fulfilment of other usual formalities on the plaint being re-presented.

3. The Civil Revision Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**25.10.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
rmi



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**NOTE:**Registry is directed to return the original plaint to the learned counsel for the revision petitioner.

**To:**

- 1.The Principal District Court, Madurai District.
- 2.The Sub Registrar,  
Thalakulam Register Office,  
Madurai District.
- 3.The District Collector,  
Collector Office,  
Madurai District..



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**G.R.SWAMINATHAN, J.**

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