



CRP(PD)(MD).No.2849 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(PD)(MD)No.2849 of 2024

R.Shanmugam

: Revision Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam,
Thanjavur District.

4.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
(Kumbakonam),
Thanjavur Division – I.

5.M.Alagarsamy

: Respondents / defendants



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to number the suit in CNR.No.TNTJ0300006142024 UF/O.S.No.... of 2024 on the file of the Principal District Judge, Thanjavur, date 09.08.2024.

For Petitioner : Mr.G.Karnan

For 1st respondent : Mr.B.Saravanan
Additional Government Pleader

ORDER

This Civil Revision Petition is preferred against the return of plaint, dated 09.08.2024 made in CNR.No.TNTJ0300006142024 UF/O.S.No.... of 2024 on the file of the Principal District Judge, Thanjavur,

2. The revision petitioner as plaintiff filed the above said suit for passing of a decree against the defendants for recovery of a sum of Rs.5,00,000/- as damages for malicious prosecution. However, the trial Court returned the plaint stating that there must be a civil wrong committed by any one of the defendants for granting the relief under defamation. Aggrieved by the same, the present revision is preferred.

3. The learned counsel appearing for the revision petitioner



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submitted that without any basis the trial Court returned the plaint stating that there must be a civil wrong committed by any one of the defendants fro claiming damages on the ground of defamation. His further submission is that any stigma caused to the reputation of the plaintiff the same can be ascertained only by way of proper adjudication of case. But, the learned trial Judge has erroneously returned the plaint. In support of his contention, the learned counsel for the petitioner relied on the Judgment of this Court reported in **2021(3) MWN (Civil) 73** in the case of **Selvaraj and others Vs. Koodankulam Nuclear Power Plant India ltd., and others** and prays for allowing this Civil Revision Petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The revision petitioner / plaintiff in his plaint has stated that the disciplinary action taken against the plaintiff is without any *iota* of evidence, which caused a strong impact on the reputation of the plaintiff and the same can be established only by adducing evidence at the time of trial. However, the trial Judge has simply returned the plaint which requires consideration by the Court. It is settled proposition that Court



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cannot conduct roving enquiry into merits of the matter by testing correctness of plaint averments even prior to the institution. Numbering of plaint is only a ministerial act. Unless a suit is barred by any law or suffers from any procedural infirmity a plaint can neither be rejected or can be returned. At the stage of numbering, the merits of matter cannot be looked into. The plaintiff contention is that he was subject to malicious prosecution which caused a great impact to his reputation and therefore, filed the above suit for damages. This claim of the plaintiff requires adjudication. Hence, the order of the trial Court is set side. The trial Court shall number the plaint and proceed to dispose the suit in accordance with law.

6. Accordingly, this Civil Revision Petition is allowed. No costs.

14.11.2024

Index : Yes / No

Internet : Yes/ No

trp

Note : Issue order copy on 20.11.2024

Registry is directed to return the original plaint if filed by the petitioner.



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To

The Principal District Judge, Thanjavur,



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K. GOVINDARAJAN THILAKAVADI, J.,

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