



CRP(MD).No.2871 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.2871 of 2024

1.Rajendran
2.Gunasekaran

: Petitioners / Plaintiffs

Vs.

1.P.A.Jannathu Kani
2.Sahul Hameed
3.Mokthoom Kajamoideen
4.Jamruth Begum

: Respondents / defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, challenging the the return of plaint in unnumbered plaint (Rep.No.5761 of 2024) (No.)S/451/2024-CNR No.TNTJB000 / 285/2024), dated 29.10.2024 passed by the Principal District Munsif Court, Kumbakonam.

For Petitioners : Mr.R.Rajaraman

ORDER

The present revision is preferred to number the un numbered plaint filed by the revision petitioners / plaintiffs before the Principal District



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2. According to the revision petitioners / plaintiffs, they have filed a suit in O.S.No.19 of 1996 on the file of the Additional Sub Court, Kumbakonam for partition and in which compromise was arrived during the pendency of the appeal suit in A.S.No.336 of 2004 on 21.01.2014 and in the said compromise the revision petitioners were allotted 75 cents. While so the plaintiffs have mentioned in the present plaint that the defendants are attempting to interfere with the possession of the revision petitioners / plaintiffs. Hence, the above suit was filed. However, the trial Court returned the plaint without considering the facts of the case. Aggrieved by the same, the present revision is preferred for issuing a direction to the trial Court to number the plaint.

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

4. Perusal of the records it is seen that the learned Judge had returned the plaint on the ground that the petitioner has not produced any document to establish that he has right over the suit property. This Court is



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of the view that while numbering the plaint, the learned Judge has to see whether cause of action has been made out or not and after numbering the plaint, if any defect is found out, the Court can always reject the plaint. Numbering the plaint is a ministerial act. No roving enquiry can be done at the time of numbering the plaint. Considering the facts and circumstances of the case, the learned trial Judge is directed to number the plaint and proceed with the same in accordance with law.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

19.11.2024

Index : Yes / No
Internet : Yes/ No
trp

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

To

The Principal District Munsif Court, Kumbakonam.



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K. GOVINDARAJAN THILAKAVADI, J.,

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