



C.R.P(MD)No.2988 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.2988 of 2024

Dhanalakshmi

... Petitioner / Plaintiff

Vs

1.Palanisamy

2.Gandhi

3.Nachammal

4.Thirumurugan

5.Kandasamy

... Respondent / Defendants

Prayer : This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the non-speaking order of return in O.S.No.Un-numbered of 2024 dated 18.09.2024 and direct the Principal District Court, Karur, to number the O.S.No.unnumbered 2023 and allow the Civil Revision Petition.

For Petitioner : Mr.Arul Jenifer
for Mr.R.Ramaguru



C.R.P(MD)No.2988 of 2024

ORDER

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This Civil Revision Petition is filed to set aside the non-speaking order of return in O.S.No.Un-numbered of 2024 dated 18.09.2024 and direct the Principal District Court, Karur, to number the O.S.No.unnumbered 2023 and allow the Civil Revision Petition.

2. Heard the learned counsel for the revision petitioner and perused the materials on record.

3. By order dated 20.03.2024, the plaint came to be returned by the trial Court by mentioning the following reasons :

i) As per explanation (2) Section 7 of TN CF & SV Act r/w Section 47AA of Indian Stamp Act, Guideline value with specified amount to be produced.

ii) As per the Document No.5 & 6, the dates of the documents are 23.09.2020, how the suit is filed in time to be explained?

iii) As the father of the plaintiff ie., D1 is available, then how the plaintiff can seeks the relief of 1/3 share in the ancestral property.

iv. The age of the plaintiff to be produced. Hence returned. Time 1 month.



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4. Thereafter it was complied by the revision petitioner and he resubmitted the plaint. Again the plaint came to be returned by order dated 18.09.2024, stating that the previous order dated 20.03.2024, concern - 4 return is not complied.

5. The 4th reason for the return can be complied by the revision petitioner, since it appears that the explanation offered by him in respect of Return Nos.1,2 and 3 dated 20.03.2024 was not the subject matter of return dated 18.09.2024. The above said defect pointed out by the trial Court may be complied by the revision petitioner and if it is complied, there shall be a direction to the learned Principal District Court, Karur, to entertain the petitioner's plaint.

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

29.11.2024

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

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G.ILANGO VAN, J.

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To

- 1.The Principal District Judge, Karur.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
C.R.P(MD)No.2988 of 2024

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