



CRP(MD).No.3024 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.3024 of 2024

1.Arumugam

2.Vanitha

3.Durai

: Petitioners / Plaintiffs

Vs.

1.Elakkiya

2.Karthick @ Palanisamy

: Respondents / defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order of returning the plaint, dated 07.11.2024 in unnumbered O.S.No.... 2024 on the file of the learned Principal District Court, Karur.

For Petitioner

: Mr. T. Antony Arulraj

ORDER

This Civil Revision Petition is preferred against the return of plaint, dated 07.11.2024 in unnumbered O.S.No.... 2024 on the file of the learned Principal District Court, Karur.



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2. The revision petitioners as plaintiffs filed the above said suit for declaration and permanent injunction restraining the defendants 1 and 2 from interfering with the plaintiffs' peaceful possession and enjoyment of the suit properties. However, the trial Court returned the plaint questioning the validity of documents produced. Challenging the same, the revision petitioners have filed the present Civil Revision Petition for issuing a direction to the trial Court to number the plaint.

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

4. This Court is of the view that at the time of numbering the plaint, the learned Judge has to see whether there is any cause of action to file the suit, and only after numbering the plaint, if any defect is found out, the Court can 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 Principal District Judge, Karur is directed to number the plaint and proceed with the same in accordance with law.



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

02.12.2024

Index : Yes / No

Internet : Yes/ No

trp

Note: Registry is directed to return the
original papers.

To

The Principal District Court, Karur.



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K. GOVINDARAJAN THILAKAVADI, J.,

trp

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