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CRP(PD).No.782 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.782 of 2025

N.K.Kaliyaperumal

... Petitioner

Vs.

1.Rebeka

2.Reachal

3.Samuvel

4.Chalci

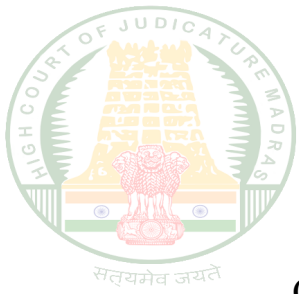
5.R.Jayakumar

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order in unnumbered OS SR.No.3320 of 2024 dated 14.10.2024 on the file of the Principal District Munsif, Villupuram.

For Petitioner

: M/s.N.Suresh



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ORDER

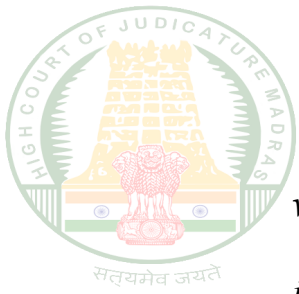
Challenging the rejection of the plaint in an un-numbered suit by the Principal District Munsif, Villupuram in a OS SR.No.3320 of 2024 dated 14.10.2024, the petitioner is before this Court.

2. The suit is question has been filed for a declaration to declare the sale deed dated 16.02.2021 registered as Doc.No.1040 of 2021 on the file of the Joint Sub Registrar, Villupuram as null and void and to injunct the defendants, their men, agents or persons from claiming any right under the sale deed dated 16.02.2021 registered as Doc.No.1040/2021.

3. The said plaint which was filed on 05.08.2024 was returned and the reasons for the return were as follows:-

(i) to show how the suit is maintainable, (ii) whether the plaint is within limitation, and (iii) to mention the value of the property. The said return was complied with and represented on 14.08.2024 stating as follows:-

“ The suit is very well maintainable as the decree in OS.No.24 of 2011 of the Hon'ble Principal District Judge, Villupuram is nullity as it was obtained by fraud played on Court and against this plaintiff



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without impleading this plaintiff. Since the said decree

is nullity and non est in the eye of law and the same is

vitiated by fraud and not attracted by law of

limitation”

4. Once again, on the very same day without even appreciating the explanation given by the petitioner the plaint was returned stating that the previous returns were not complied with. Once again, the petitioner has given the very same explanation and represented the plaint on 22.03.2024. Thereafter, the matter was posted for maintainability and ultimately by the impugned order dated 14.10.2024, the learned Trial Judge had rejected the plaint by considering the same on merits and by extensively relying upon the documents filed along with the plaint. Aggrieved by the same, the petitioner is before this Court.

5. Heard the learned counsel for the petitioner and perused the records.

6. A learned Single Judge of this Court, in the judgement reported in **2021 (4) CTC 539 – Selvaraj and others Vs. Koodankulam Nuclear Power Plant India Ltd and others**, while considering a batch of cases



where the Courts below were returning the plaint without even numbering the same, had lamented the fact that the Courts below had not been able to differentiate the work of Adjudicatory/Judicial side and the Administrative side/ Ministerial side. The numbering of plaint squarely falls within an Administrative/Ministerial regime. While discharging its Administrative/ Ministerial role the act of scrutinizing a plaint does not require the Court to embark upon a fact finding and sifting through evidence.

7. The learned Single Judge after discussing the various judicial pronouncements with reference to the distinction between the presentation of the plaint and the institution of the plaint had observed that the Court should confine the scope of its scrutiny barest minimum which a ministerial work may require. The learned Single Judge had also observed that the role of the Presiding Officer while exercising his jurisdiction on the administrative side at the time of numbering a suit is to verify if the plaint conforms to the parameters required for registering/numbering the suit and not to conduct a roving enquiry into the merits of the case.

8. In the instant case, the learned Principal District Munsif, Villupuram has conducted a roving enquiry, perused the evidence and



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rejected the plaint. This is a procedure which the learned Trial Judge can adopt once the suit is numbered and an application for rejecting the plaint is presented before the Trial Court and not at the numbering stage.

9. Therefore, the Civil Revision Petition is allowed. The order passed by the Principal District Munsif, Villupuram dated 14.10.2024 is set aside. The learned Principal District Munsif, Villupuram is directed to number the suit if all other requirements as contemplated under the Code of Civil Procedure for numbering has been complied with. No costs.

27.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

"Note:-The Registry is directed to return the original plaint back to the petitioners after getting due acknowledgement.

To

1.The Principal District Munsif, Villupuram.



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P.T. ASHA. J.,

(shr)

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