

C.R.P. (PD) No.990 of 2025

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**IN THE HIGH COURT OF JUDICATURE OF MADRAS**

**DATED: 12.03.2025**

**CORAM:**

**THE HONOURABLE MS. JUSTICE P.T.ASHA**

**C.R.P. (PD) No.990 of 2025**

1. Rajeswari
  2. Venkatesh
- Petitioners 1 and 2 represented by their  
Power of Attorney Agent,  
M.Senthilkumar
3. Ganesan
- ...Petitioners

Vs

1. Subramani
  2. S.Chandrasekaran
  3. S.Ramkumar
  4. R.Sampath
  5. The Manager,  
Religare Housing Development Finance Corp.Ltd.,  
2<sup>nd</sup> Floor, Advaitaasram Road,  
Salem 636 004
- ...Respondents

**PRAYER:** Civil Revision Petition filled under Article 227 of Constitution of India to aside the order dated 03.02.2025 made in Un.O.S.No....of 2025 (Cr.19 of 668) on the file of the Principal District Munsif Court, Salem by allowing this Civil Revision Petition.



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For Petitioners : Mr.R.Agilesh

## **ORDER**

Time and again, this Court has been passing orders regarding the role of the Courts while exercising their jurisdiction on the administrative side such as numbering suits, applications etc and the judicial side where the Court considers the application at the stage of scrutiny of the plaint in the pre- registration stage and the judicial side where the same is considered on its merits. As per the order of this Court reported in **2021 (4) CTC 539 [A.Amutha Vs I.Murugan and Others]**, the Court where considering a petition at the pre-numbering stage should only be concerned with the following factors.

### **a) Cause title:**

Whether the cause title complies with the provisions of Order VI Rule 3 of C.P.C, parties to the suit had been arrayed



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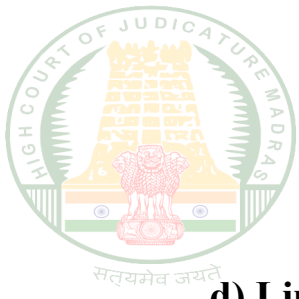
as per the provisions of Order VII Rule 1 (a) and (b) and Rule  
O of C.P.C.

**b) Maintainability of the suit**

With reference to cause of action where the role of the  
Judicial Officer is limited to ascertain whether the plaintiff has  
an enforceable right based on a plain reading of the plaint.  
The Judicial officer cannot undertake a roving enquiry and act  
like the defendant.

**c) Jurisdiction**

Whether the Court has jurisdiction to entertain the application  
both pecuniary as well as jurisdiction: vis-a-vis the subject  
matter.



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**d) Limitation**

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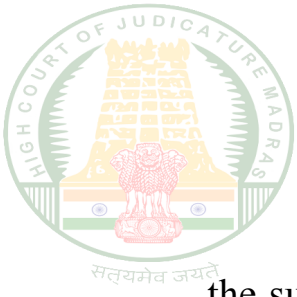
Whether ex-facie on the reading of the plaint, the suit is barred by limitation.

e) In case of money suits where the precise amount is mentioned.

f) In case of immovable properties whether the property had been described as contemplated under Order 7 Rule 3 of C.P.C.

The Court cannot undertake a roving enquiry into the merits of the suit / petition at the pre-registration stage.

2. In the instant case, it appears that the learned Principal District Munsif Judge, Salem has rejected the plaint without even numbering the same and conducted an enquiry exceeding the parameters set out herein above. Therefore, the order dated 03.02.2025 is set aside and the learned Judge is directed to number



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the suit. The Registry is directed to return the original plaint to the petitioner. Accordingly, this Civil Revision Petition is allowed. No costs.

12.03.2025

Index: yes/no

Speaking Order: Yes/No

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To

The Principal District Munsif Court, Salem



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**P.T.ASHA, J.**

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