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C.R.P.(NPD)NO.1159 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12/11/2025

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THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(NPD)NO.1159 OF 2023

D.Geetha

... Petitioner/ Plaintiff

Vs.

1.N.Dhanalakshmi

2.Raja

... Respondents /
Defendants

PRAYER : Civil Revision Petition filed under Section 115 of Code of Civil Procedure, 1908, praying to set aside the Fair and Decreetal Order dated February 13, 2023 passed in the unnumbered Suit in O.S.SR.No.712 of 2023 on the file of the District Munsif, Sriperumbudur.

For Petitioner : Mr.R.Senthil Kumar

For Respondent -1 : No appearance

For Respondent - 2 : Insufficient address

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ORDER

Mr.E.Senthil Kumar, learned Counsel appearing for the Revision

Petitioner is before this Court.

2. There is no representation on behalf of the first respondent.

3. Feeling aggrieved by the Order dated February 13, 2023 made in O.S.SR.No.712 of 2023 by the 'District Munsif Court, Sriperumbudur' (hereinafter referred to as 'Trial Court'), the plaintiff therein has filed this Civil Revision Petition.

4. The Revision Petitioner is the plaintiff before the Trial Court. The Revision Petitioner filed a Suit against the respondents with the following prayer:

“(i).To declare the alleged Letter of Undertaking dated 13.07.2022 alleged to have been executed by the plaintiff in favour of the 1st defendant as forged and fabricated;

(ii).Mandatory direction to the 1st defendant to hand over the Original Settlement Deed dated 14.06.2017 in favour of



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the plaintiff, registered as Doc.No.1743/2017 in the SRO, Poonamallee and consequently hand over the blank cheque, bearing No.081401, drawn on IDBI Bank, Poonamallee Branch, No.18, Avadi High Road, Karayanchavadi, Poonamallee, Chennai – 600 056, to the plaintiff;

(iii).Permanent injunction restraining the 1st defendant from presenting the blank cheque bearing No.081401, drawn on IDBI Bank, Poonamallee Branch, No.18, Avadi High Road, Karayanchavadi, Poonamallee, Chennai – 600 056.”

(iv).Costs of the suit.

5.The learned Judge before numbering the plaint rejected the plaint on the ground that the plaint does not disclose the cause of action. On bare perusal of the Order of the Trial Court, this Court is of the *prima facie* view that the procedure adopted by the Trial Court is not in consonance with the settled legal position.



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6.This Court has perused the plaint. The plaint Paragraph No.13 reads the cause of action. It is settled law that whether the cause of action pleaded by the plaintiff is true or not is a question that can be gone through only at the time of trial. Hence, the Order passed by the Trial Court is not in consonance with the settled position of law and therefore, this Court is inclined to set aside the Fair and Decreetal Order dated February 13, 2023 passed by the learned District Munsif, Sriperumbudur and allow this Civil Revision Petition.

7.Accordingly, this Civil Petition is allowed. The Trial Court is directed to take the plaint on file if otherwise in order within a period of 15 days from the date of receipt of a copy of this Order. Considering the facts and circumstances of the case, there shall be no order as to costs.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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To
The District Munsif,
Sriperumbudur.



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R. SAKTHIVEL, J.

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