



C.R.P.No.1360 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.1360 of 2025

C.M.P.No.8066 of 2025

R.Rajkumar

...Petitioner

Vs

Jancy

...Respondent

PRAYER:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the Impugned Docket order dated 28.01.2025 passed in Application Sr.No.8736 of 2024 on the file of the learned Principal Sub Judge Chengalpattu, reject the plaint filed in O.S.No.27 of 2020 and allow this CRP.

For Petitioner : Mr.R.Rajkumar
(Party in person)

ORDER

The above revision has been filed by the defendant as a party in person. He seeks to challenge the dismissal of his application filed under Order VII Rule 11 (b) & (c) of C.P.C. by the Court below as not maintainable without even numbering the application and without



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affording him an opportunity to putforth his contention. Admittedly, the petitioner/defendant had filed an application for rejecting the plaint in O.S.No.27 of 2020 on the ground that the suit has been under valued and Court fees paid is inadequate. The application has been filed invoking provisions of Order VII Rule 11 (b) (c) C.P.C. The learned Judge on 28.01.2025 has rejected the said application without even giving him an opportunity to putforth his case and that too without numbering the said application. The reason for the rejection is that the perusal of the suit would show that the suit has been valued properly and correct Court fees has been paid.

2.The party in person would submit that the learned Judge has failed to appreciate that he ought to first number the application, give an opportunity to the petitioner and the plaintiff/respondent to make their submissions as the petition has been filed on one of the grounds that are set out for rejecting a plaint and thereafter pass orders.

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



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4. Without going into the merits of the petition, this Civil Revision Petition is allowed as the learned Judge has totally misdirected himself into rejecting the application without even hearing the party and numbering the application. In the result, Civil Revision Petition is allowed. The Principal Sub Judge, Chengalpattu, is directed to number the application in Application S.R.No.8736 of 2024 and hear both the petitioner as well as the respondent and thereafter pass orders. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To

The Principal Sub Judge, Chengalpattu.



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P.T.ASHA, J.

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