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C.R.P.No.1788 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.1788 of 2025

1.Kalavathy Subramanian

2.Vindhya Subramanian

[the second petitioner represented through
her Power Agent, the first petitioner herein]

... Petitioners / Plaintiffs

Vs.

1.R.Ravikumar

2.R.Nagaraj

... Respondents / Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct, to number the unnumbered O.S.SR.No.8059/2024 on the file of the City Civil Court, Chennai.

For Petitioners : Mr.J.Titus Enock

ORDER

Aggrieved by the fact that the City Civil Court is not numbering the suit, despite arguments on maintainability having been submitted by the plaintiffs in detail, the petitioners/plaintiffs are before this Court. The facts



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are as follows :

- a) The suit has been filed by the petitioners herein seeking a declaration of their title to the suit schedule property and for a consequential permanent injunction.
- b) The plaintiffs would stake their claim to two agreements of sale dated 21.04.1999, which the first defendant and the second defendant had executed in favour of R.Subramanian, whose legal heirs are the plaintiffs herein.
- c) The plaintiff have filed various documents including the agreement of sales, property tax receipts etc., along with the plaint to show their possession of the suit schedule property.
- d) The learned Judge without considering the documents filed along with the plaint, had returned the plaint on the ground that enough documents were not filed to number the suit.

2. While numbering the suit, the Court below is only expected to discharge the administrative function, however the learned Judge in the present case, has exercised his jurisdiction on the judicial side and had questioned the *locus standi* of the plaintiffs in instituting the suit and their



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rights, which the Court is expected to exercise, only after the numbering of the plaint and after the defendant had entered appearance and submitted their defence. The plaintiffs have also set out in detail the cause of action for filing the suit, accompanied by documents.

3. A perusal of the typed set of papers would show that the Court has initially returned the plaint and posted the matter for maintainability. However on re-presentation of the papers before it, the Court below, after hearing the plaintiffs, once again had returned the plaint on 26.03.2025, by stating as follows :

" No document is filed enough to number the suit pending for maintainability and hence learned counsel also represent that the application for document will take time to get. Hence, he wanted to return the bundle. Hence returned. Time 30 days."

4. The above extracted portion of the docket order would show the non-application of mind on the part of the Court below. Therefore, a direction is issued to the City Civil Court to number the unnumbered plaint in OSSR.No.8059 of 2024, upon production of the same before it.



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5. With the above observation and direction, the civil revision petition is allowed. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
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Note : Registry is directed to return the original plaint to the petitioner.

To:

- 1.The Judge
City Civil Court
Chennai.
- 2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J,

ds

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