



CRP.No.1716 of 2025

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A.D.JAGADISH CHANDIRA, J.

This matter has been listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioners.

2. Learned counsel for the petitioners submits that, this Court, by order dated 28.04.2025 allowed the above revision with a direction to the petitioners to represent the suit. However, in paragraph No.10 of the said order, inadvertently a typographical error has crept in, wherein it has been mentioned as if direction has been issued to the Registry to return the original plaint to the *petitioners* instead of the *learned counsel for the petitioners*, which requires to be modified.

3. This Court perused the order dated 28.04.2025, more particularly, para No.10 of the said order and this Court is satisfied that the original plaint should be returned to the learned counsel appearing on behalf of the petitioners. Accordingly, para No.10 of the order dated 28.04.2025 shall read as hereunder:

“10. Registry is directed to return the original plaint to the learned counsel for the petitioners.”



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CRP.No.1716 of 2025

A.D.JAGADISH CHANDIRA, J.

skt

4. All the other observations made in the earlier order dated 28.04.2025 shall remain intact.

5. Registry is directed to carry out the aforesaid corrections and issue fresh order copies to the parties.

12.09.2025

skt

Note to office: Issue order copy on 16.09.2025.

CRP.No.1716 of 2025



CRP.No.1716 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.04.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1716 of 2025

1.G.Elumalai
2.G.Selvam
3.A.Kuppayee
4.K.Lakshmi
5.M.Alagammal

..Petitioners/Plaintiffs

Vs

S.Siddhan

..Respondent/Defendant

Prayer: Civil Revision Petition filed Article 227 of Constitution of India, against the return order dated 19.03.2025 made in unnumbered O.S.SR.No.1119 of 2024 passed by the Subordinate Court, Sangagiri.

For Petitioners : Mr.T.S.Vijaya Raghavan

ORDER



CRP.No.1716 of 2025

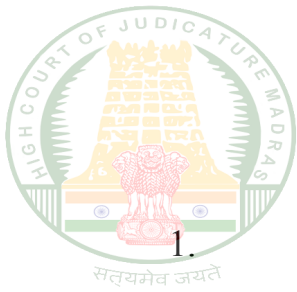
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This revision petition has been filed against the return order dated 19.03.2025 made in unnumbered O.S.SR.No.1119 of 2024 passed by the Subordinate Court, Sangagiri.

2. The brief facts of the case necessary for the disposal of this revision is as under:-

(a) The petitioners/plaintiffs have filed the suit for declaration that they are entitled to be owners of the suit property and to set aside the decree passed in O.S.No.376 of 2012 as null and void.

(b) The suit was filed on 29.11.2024. The concerned court has returned the plaint and it was represented on various dates. The return endorsements and the compliance notes of the counsel for petitioners are extracted hereunder :-



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CRP.No.1716 of 2025

27
e-court fee paid = Rs. 5470
29-11-24

9105
18
9105
21
9105
18
O.S.No. /2024
9105 9105
25 24

1. ஏழுமலை
2. செல்வம்
3. குப்பாயி
4. லட்சுமி
5. அழகம்மாள்

சங்ககிரி கனம் சார்பு நீதிமன்றம்
சமூகத்தின் முன்பாக, சங்ககிரி

சுபர்டினேட் ஜட்ஜ் கோர்ட்
RECEIVED
21 JAN 2025
SANKARI

சித்திரா
சுபர்டினேட் ஜட்ஜ் கோர்ட்
RECEIVED
18 DEC 2024
SANKARI

வாதிகளின் வசதிக்காக சிலில்
நடைமுறைச் சட்டம் ஆர்டர் VII ரூல்
1 to 6 ன் கீழ் தாக்கல் செய்யும் பரதது

சுபர்டினேட் ஜட்ஜ் கோர்ட்
RECEIVED
04 DEC 2024
SANKARI
BY COUNSEL

P.SRINIVASAN, M.A., B.L.,
MS.951/1997
S.NITHYAVENDHAN, LL.M.,
R.GNANAVEL, B.COM., B.L.,
ADVOCATES,
SALEM.
CELL: 9443440744

சுபர்டினேட் ஜட்ஜ் கோர்ட்
RECEIVED
19 MAR 2025
SANKARI

சுபர்டினேட் ஜட்ஜ் கோர்ட்
RECEIVED
16 APR 2025
SANKARI



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Received: 04.12.2024.

The alleged Vakalat
filed in the name of the
plaintiff in O.S. 376/2012
to be filed.

Time one month.

4/12/24
S.J.

18/12/24

Coramuted and
Represented

R. Mune
18/12/24

1. OS 376/12 Vakalat in 12/12/24
R. Mune
Counsel for Plaintiff

Returned: 20.12.2024.

Previous ret'd. Dt. 29.11.24

81. No. 2 is not explain.

Hence ret'd.,

Time one month.

20/12/24
S.J.

20/1/25

Coramuted and Represented

R. Mune
Counsel for Plaintiff

Returned: 29.11.2024.

26

1) Pleading of para 10
in respect of fraud not
in accordance with O.S. 6
R.A. C.P.C. Doe 2, 3, and 5.

2) How the plea of fraud
is maintainable after the
disposal of C.P. 2635/24
Dated: 19.7.2024.
only delay condone

3) Advocate D.D. Puroit
not enclosed with Vakalat.

Hence ret'd.,

Time one month.

29/11/24
S.J.

4/12/24

Coramuted and
Represented

R. Mune

1. Document 2, 3, and 5
these are referred to
O.S. 6 R.A.

2. only delay condone of
C.P. Petition.

3. enclosed.
all are Coramuted.

R. Mune
4/12/24
Counsel for Plaintiff



CRP.No.1716 of 2025

WEB COPY

25 NO. 2635/2024
CRP filed against the OSNO 376/12
to set aside the ex parte decree.
The Ex parte decree passed 19.3.2014
19.3.25 Return.
Hear in open court.
Explanatory given in reply
perusal, then same is not
sustainable. Here
data is given in, return for
the same reason given in
the previous return order.
Hence this suit is maintainable.
19/3/25
Counsel for the Plaintiff
19-3-2025.
Sankarini

Returned: 24.01.2025
Previous reply, dt.
20.12.2024 is still hold
good.
Time one month.
24/1/25
S.S.
24/1/25.

19.03.2025
Corrected and represented-
CRP NO: 2635/2024 filed again
the OSNO: 376/2012 to set aside
the Ex parte decree which was
passed on 19-03-2014. The delay
condon must be calculated from
date of Ex parte decree, not
calculated from the knowledge of
Plaintiff. The delay condon per
and CRP is entirely different
from the separate suit. it is
only IA Proceeding.
The Previous suit OSNO: 376/
is Partition suit. But this
Present suit is declaration.
There is no bar the rule of
Res judicate. Hence the suit
is maintainable u/s 31 of
Specific Relief Act.
19/3/2025
Counsel for the Plaintiff



CRP.No.1716 of 2025

WEB COPY Challenge in this revision is made against the order of returning the
plaint dated 19.03.2025 which reads as follows:-

“19.03.25 Returned.

Heard in open court. Explanation given in plaint perused
and the same is not legally sustainable. Hence the plaint is returned
for the same reason given on the previous return order.”

3. Since the order impugned is between the petitioner and the court
this court is of the opinion that no notice is required to be sent to the
respondent.

4. Learned counsel for the petitioners submitted that despite the
counsel representing the returned bundle after compliance, the court had
repeatedly returned the bundle for the very same reasons. He would contend
that the correctness of the pleadings cannot be gone into at the stage of
numbering and when the petitioners have an independent and substantive cause
of action in the present suit, the trial court ought not to have returned the plaint.
He would further submit that court during scrutiny of the plaint is bound to
ascertain only to the extent whether the plaintiffs have a legally recognised or



CRP.No.1716 of 2025

enforceable right and nothing more and further the court cannot go into the sufficiency or adequacy of pleadings and merits of the matter or correctness of the pleadings cannot be insisted. He would further add that the court can also not insist for grounds of fraud as in Order VI Rule 4 CPC .

5. In support of the above contention the learned counsel for the petitioners relied upon on the judgement of this Court made in ***CRP(MD).Nos.915, 943, 967, 991 and 330 of 2020 dated 16.07.2021 [1.Selvaraj and others Vs. 1.Koodankulam Nuclear Power Plant India Limited, Rep. Through its Project Director, Koodankulam, Ramanathapuram Taluk, Tirunelveli District and others]***

6. Heard the submissions of the learned counsel for the petitioners.

7. This Court in CRP(MD).Nos.915, 943, 967, 991 and 330 of 2020 dated 16.07.2021 ***[1.Selvaraj and others Vs. 1Koodankulam Nuclear Power Plant India Limited, Rep. Through its Project Director, Koodankulam, Ramanathapuram Taluk, Tirunelveli District and others]***, has held that the courts during scrutiny of the plaint is bound to ascertain only to the extent



CRP.No.1716 of 2025

whether the plaintiffs have a legally recognised or enforceable right and nothing more and further the court cannot insist for proof into the sufficiency or adequacy of pleadings and merits of the matter or correctness of the pleadings and the courts can also not insist for grounds of fraud as in Order VI Rule 4 CPC .

Further in paragraph No.32.2, it has been held as follows:-

“ 32.2 For curing any of the permissible defects, no court shall return the plaint more than once. This has been deprecated by this Court even in S.Parameswari V. Denis Lourdusamy, [(2011) 5 CTC 742] referred to above. In other words, retuning the plaint multiple times on multiple grounds is a sin in procedure and the Court/Registry needs to become adequately aware about it. In spite of the fact that the decision in S.Paramswari's case was pronounced a decade ago, even in this batch of cases this court has witnessed that some of our Courts and their registry continue to flout it.”

8. This court is able to see that the court below had repeatedly returned the plaint for various reasons including insufficiency of pleadings



CRP.No.1716 of 2025

despite representation after compliance.

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9. In the light of the above discussion, this Civil Revision Petition stands allowed. The petitioners are directed to represent the suit and the trial court is directed to number the suit and proceed in accordance with law.

10. Registry is directed to return the original plaint to the petitioners.

28.04.2025

nvsri

To

- 1.The Subordinate Judge, Sub Court, Sangagiri.
- 2.The Section Officer, V.R.Section, High Court, Madras.



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CRP.No.1716 of 2025

A.D.JAGADISH CHANDIRA, J.

nvsri

C.R.P.No.1716 of 2025

28.04.2025