



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.3856 of 2025

1.Masiriammal

2.Selvaraj @ Marisamy

3.Lakshmi

... Petitioners

Vs.

1.Dhanalakshmi

2.Annapoorani

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the return order dated 11.06.2025 passed by the Subordinate Court, Avinashi, in unnumbered O.S.SR.No.320 of 2025 and to direct the trial Court to number the suit within a time stipulated by this Court.

For Petitioner : Mr.J.Ranjith Kumar



ORDER

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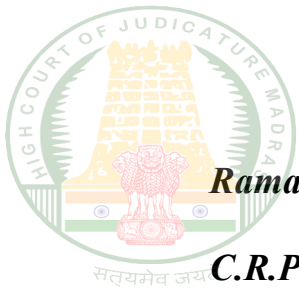
Heard Mr.J.Ranjith Kumar, learned counsel appearing for the petitioner.

2. This Civil Revision Petition has been filed challenging the return of the plaint vide order dated 11.06.2025 by the learned Subordinate Judge, Avinashi.

3. The learned counsel appearing for the petitioner states that even without advertng to the compliances made by the revision petitioner/plaintiff, the trial Court has returned the plaint claiming that the previous return dated 04.04.2025 has not been complied with.

4. The learned counsel appearing for the petitioner has taken me through the compliance made on 09.04.2025 and the plaint having been re-presented.

5. In the case of ***Selvaraj vs. Koodankulam Nuclear Power Plant India Limited represented through its Project Director, Koodankulam,***



Ramanathapuram Taluk, Tirunelveli District and others in

C.R.P.(MD).Nos.915 of 2020 etc., , this Court has held that when the plaint

is being taken on file and numbered, the Court cannot conduct any roving enquiry and call upon the plaintiff to prove his/her claim at that stage. In any event, this Court has held that more than once, the Court should not return the plaint. If any doubts are still lingering the mind of the learned trial Judge, the learned counsel appearing for the plaintiff should be heard in the open Court and the maintainability of the suit should be decided. However, without advertting the said procedure, I find that the learned trial Judge has returned the plaint initially on 04.04.2025 and subsequently, when the returns were complied with and the plaint was re-presented once again, without any reason, the plaint has been returned as if the previous return dated 04.04.2025 has not been complied with.

6. In the light of the above, I am inclined to direct the plaintiff to re-present the plaint within a period of two weeks from the date of receipt of a copy of this order and thereafter, the trial Court shall apply its mind to the compliances made by the plaintiff on 09.04.2025 and in spite of it, if the Court has still any doubt with regard to maintainability of the suit, the



matter shall be posted in the open Court. The learned counsel appearing for the plaintiff shall be permitted to address the Court on maintainability of the suit or the doubts raised by the Court and thereafter, the trial Court shall pass a considered orders on merits, regarding maintainability of the suit and proceed with the matter. Registry is directed to return the original plaint to the learned counsel appearing for the petitioner within a period of one week from today to enable the re-presentation of the plaint.

7. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs.

26.08.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

ssb

To

The Subordinate Court, Avinashi.

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P.B. BALAJI,J.

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