



IN THE HIGH Court OF JUDICATURE AT MADRAS

Reserved on:25.09.2025

Pronounced on:10.10.2025

WEB COPY

CORAM

THE Hon'ble MR.JUSTICE P.B.BALAJI

CRP. No.4233 of 2024

Jilumudi Masthanaiya

Petitioner

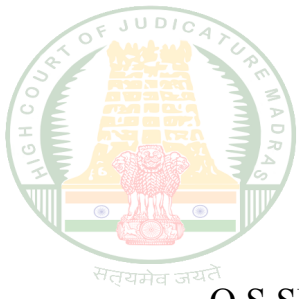
Vs

- 1.B.Ramalingam
- 2.R.Selvi
- 3.R.Gayathri
- 4.Margadarsi Chits Private Limited,
Rep. by its Foreman C.Siva Sankar,
No.A-1, 2nd Floor, Senthil Towers,
1st Avenue, Ashok Nagar,
Chennai - 600 083.
- 5.The Sub Registrar,
Sub Registrar Office,
Redhills, Chennai - 600 052.
- 6.The District Registrar,
District Registrar Office,
Thiruvallur - 602 001.

Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order passed in O.S. (SR). No.266 of 2024 passed by the District Munsif cum Judicial Magistrate, Madhavaram on 21.06.2024 and direct the Registry to number the above Suit within a stipulated time.

For Petitioner : Mr.P.Praveenkumar.
For Respondents : No Appearance for R1 to R4
Mr.Muthuvel,
Government Advocate for R5 and R6

**ORDER**

The petitioner challenges the docket order dated 21.06.2024 in O.S.SR. No. 266 of 2024, on the file of the District Munsif cum Judicial Magistrate, Madhavaram.

2. I have heard Mr.P.Praveen Kumar, learned counsel for the petitioner and Mr.N.Muthuvel, learned Government Advocate for the respondents 5 and 6.

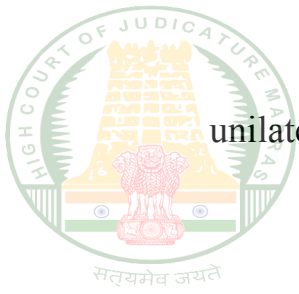
3. The petitioner has filed a suit to declare the settlement deed dated 31.08.2012 as null and void and not binding on the plaintiff and for further reliefs of permanent injunction. Even at the numbering stage, after returning the suit on three occasions, the Trial Court has not numbered the suit and has returned the same stating that the Court has no jurisdiction to entertain the suit. In fact, the plaintiff has re-presented the plaint, complying with the returns, contending that the Court does have jurisdiction and the proceedings before the learned Arbitrator and consequent award in ARC No.31 of 2014 dated 30.05.2014 is not in any manner connected to the suit property and that since the first defendant has appointed the second defendant as Guardian and fraudulently executed a settlement deed to the third defendant in respect of the property belonging to the plaintiff, the suit has been filed.



WEB COPY

4. This Court in *Selvaraj and others Vs. Koodankulam Nuclear Power Plant India Limited*, reported in 2021 (4) CTC 539, has laid down guidelines to be followed by the Trial Court at the time of numbering/registration of suits. This Court has held that the Trial Court cannot conduct a roving enquiry at the stage of numbering of the suit. Once the plaint is filed, the Court only exercise a ministerial function in numbering the suit. Unfortunately, the Court, in the present case, has exercised judicial powers and functions in returning the plaint, holding that the suit is not maintainable, in view of the Arbitration Proceedings. The guidelines in *Selvaraj's* case (referred herein supra), have not been followed by the Trial Court while returning the plaint as not maintainable.

5. In the light of above, I am inclined to set aside the docket order passed in O.S. (SR). No.266 of 2024 on 21.06.2024 by the Trial Court and the matter is remitted to the District Munsif cum Judicial Magistrate, Madhavaram to enable the plaintiff to re-present the original plaint and if the suit is otherwise in order, the Court shall number the suit and proceed to issue summons to the defendants. It shall always be open to the defendants to seek rejection of the plaint, if so advised and the Court cannot take up the role of the defendants even before numbering of the suit and return the plaint after conducting a roving enquiry, that too



unilaterally.

WEB COPY

6. In the light of the above, Civil Revision Petition is allowed and the plaintiff shall re-present the plaint within a period of two (2) weeks from the date of receipt of the copy of the order and on such re-presentation, the learned District Munsif cum Judicial Magistrate, Madhavaram shall number the suit, if it is otherwise in order and proceed with the same in accordance with law. No costs.

10.10.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

1. The District Munsif cum Judicial Magistrate, Madhavaram.
2. The Sub Registrar,
Sub Registrar Office,
Redhills, Chennai - 600 052.
3. The District Registrar,
District Registrar Office,
Thiruvallur - 602 001.

P.B.BALAJI, J.,

rkp



WEB COPY

CRP. No.4233 of 2024



Pre-delivery order in
CRP. No.4233 of 2024

10.10.2025